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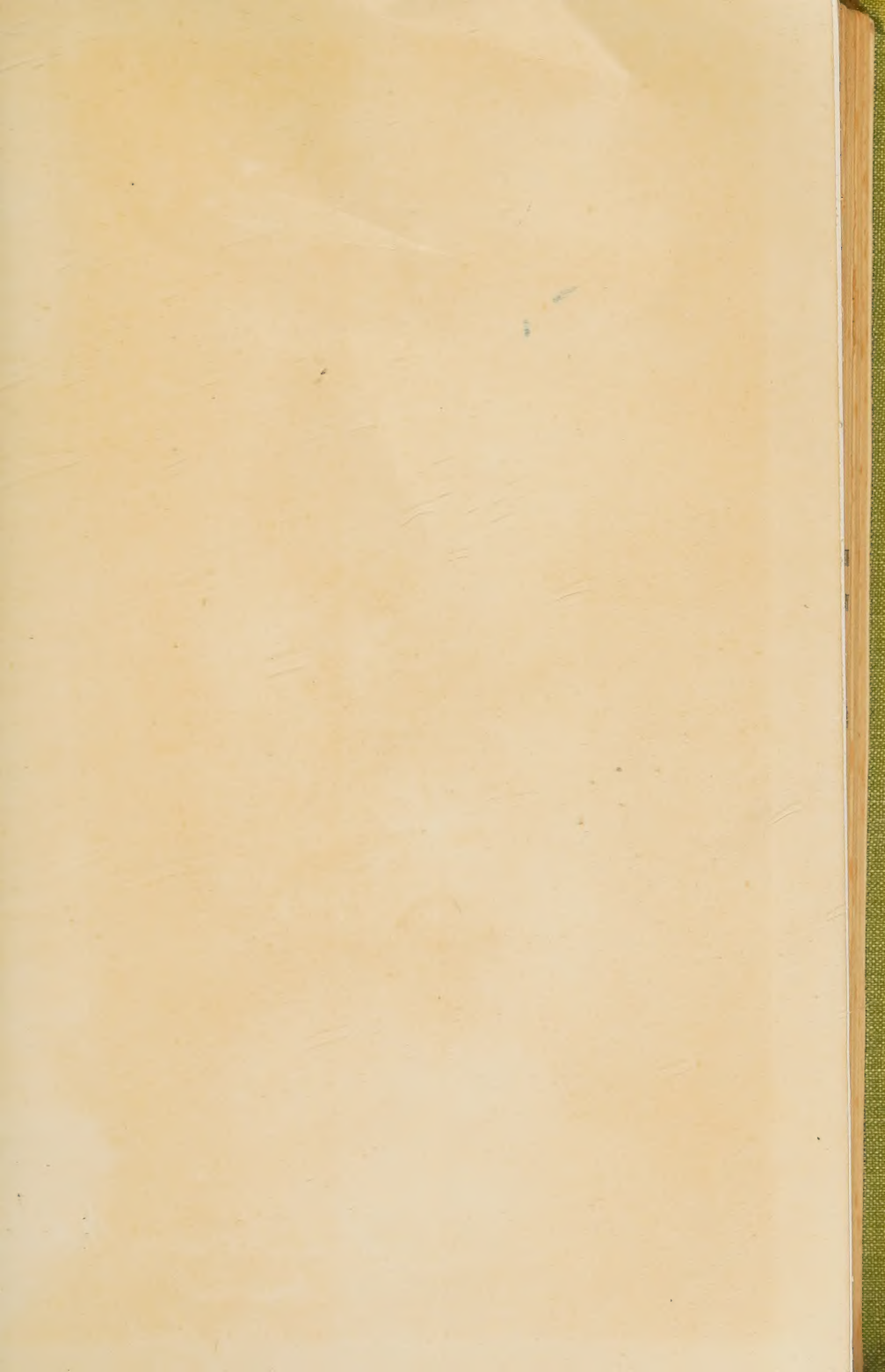
Old Ireland:
Reminiscences of an Irish K.C.
SERJEANT A. M. SULLIVAN



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OLD IRELAND
Reminiscences
of an Irish K.C.



SERJEANT SULLIVAN, K.C.

OLD IRELAND

Reminiscences of an Irish K.C.

By

A. M. SULLIVAN

LAST OF THE KING'S SERJEANTS AND
ONE OF HIS MAJESTY'S COUNSEL



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My old friend and colleague, Norman Kough, promised to illustrate this book for me, but he was killed in a street accident before he started on the task. By the kindness of his family and his friends some of his delightful sketches, most of them scribbled in court on scraps of paper, are here reproduced. His untimely end is mourned by all the bar.

A. M. S.

OLD IRELAND

PART I

THE OLD TIMES

“Let Erin remember the days of old
Ere her faithless sons betrayed her.”

—*Moore*

OLD IRELAND

CHAPTER I

CHILDHOOD

A. M. SULLIVAN, my father, was the second of a group of brothers, all of whom made their mark in Irish life. They were born in the little town of Bantry, the largest centre of population in what was formerly the principality of the O'Sullivans.

They received such education as was possible from the village schoolmaster, and from their father—a self-taught scholar. “A. M.” was the first to strike out into the world, seeking his fortune in Dublin, earning his living with pen and pencil. One by one he brought his brothers to the capital, and gave them their start in life. His eldest brother, “T. D.,” had music in him. For fifty years he made his country's ballads. He became journalist, member of Parliament, Lord Mayor of Dublin. The third brother promised to excel in literature, and had made a name for himself when he was disfigured by an accident, and he left the country. The fourth was Donal, still well remembered at Westminster as the man who never made a speech and never missed a division during his long years of membership, until his last illness struck him down. He was the secretary of the Irish Party. The youngest of the group was Denis, who graduated through journalism to the Bar, and won his way to leadership in his profession.

There was something in the air and atmosphere of Bantry that stimulated the growth of Irish Nationalism. In addition to my father and his two brothers,

there came to the Imperial Parliament from the shores of the bay the three Healys, my brother-in-law Maurice, the wisest and most lovable; "Tim," incomparably brilliant, married to my cousin; and their eldest brother, Tom. There were also two Harringtons—Tim, the secretary of the National League, and Ned, the editor of the *Kerry Sentinel*. In addition, there was James Gilhooly, and finally, there was William Martin Murphy, the greatest financial power in the country for many years. With the exception of Willie Murphy, none of these was endowed with any wealth beyond the native genius of the place. Willie Murphy was left some means at the death of his father, but not much. The great fortune that he acquired was the creation of his own brain and enterprise. Prosperity never spoiled him. He remained an unaffected West Cork man to the end of his days, the devoted friend and worshipper of my father, whose children always addressed him as "Uncle Willie." Technically he was not my uncle, but he was my father's brother's brother-in-law's brother-in-law, and amongst Bantrymen that was close enough.

My father's career is not forgotten. His pre-eminent services to his country were rendered on the two occasions in his life-time when the social order of his people was threatened with the destruction of despair. When the folly of the "Young Ireland" movement had spent itself in the ridiculous fiasco of '48, when Ireland was left, in the words of one of the leaders of that movement, "like a corpse on the dissecting table," A. M. Sullivan took over the *Nation*, steadied the distracted people, and led them back to sanity and peace.

In the middle of the '60's, when secret societies again commenced their baleful activity among the Irish youth, he put them down, and he saved his young countrymen from the disaster that destroyed their grandchildren. For years he was pursued by the malevolence of the Phoenix and the Fenian organizations, and he was

eventually imprisoned by the British Government for his action in demanding justice and fair play even for men who would have shot him. A man who loved peace, he sent out a body of Irishmen to fight for the Pope, and he sent out an ambulance to serve in the Franco-Prussian war. For this latter service the French Government desired to decorate him, but the British Government vetoed the proposal. He was allowed to nominate a substitute.

I was born in the Island that then was Ireland. So little remains of all that then existed, that one sometimes wonders whether the thoughts of the old land, of the old days, and of the old people, are not the hallucinations of a dreamer. It is hard to reconcile the manifest unhappiness of to-day with recollections of a people who in hardship and in poverty maintained towards the harsh world a brave and proud demeanour, and faced misfortune with a smile. How much is real, how much is the pleasing deception wrought by the glamour of affection peering through the mists of the irrecoverable past, it is hard to say, but I shall try to put down in words some description of my native country, and some account of the men who influenced her during the half century whose happenings I can remember.

To appreciate the problem of life as presented to an Irishman, there must be kept before the mind the salient feature of the Island. It is an aggregate of farms. The thing that matters is agriculture. The one aim and object of good government must be to make the farmer prosper. The whole life of the nation must depend on that. When the farm flourishes all is well, when the farm fails Ireland is destitute. The country has practically no coal supply: a few pits produce a few thousand tons at great cost. There are no minerals. There is no practicable water power. There are immense areas that have been completely stripped of trees, and only a few counties preserve their woodland beauty.

In the Northern quarter, the farm is agricultural, worked with fine skill. In nearly half the country the farm is pastoral, devoted almost entirely to stock raising. The province of Munster is a great dairy, where the Irishman's love and understanding of animals is blended with his devotion to the land. Industry in the form of noisy factories is naturally confined to the manufactures auxiliary to the farm. City life is alien life. It is the country that produces the men of Ireland. Her representatives have always come from near the soil.

A strange unrest was troubling the community at the time of my earliest existence. There was much repetition of the truism that education was necessary for the progress of the people, and much reiteration of the falsehood, that the man who can read and write is educated, while he who neither reads nor writes is not. In truth in West Cork, and, no doubt, elsewhere, the "illiterate" peasant of fifty years ago represented a type of education of a high order of merit. The Parish Priest of the seventies had been the young curate of the forties. The mission presented then no attractions of ease or prosperity. The men who assumed the uniform of the ambassadors of Christ, surrendered all else to spend their lives among a broken and a stricken people whose misery appeared beyond alleviation. There were none

"Who for their bellies' sake,
Creep and intrude and climb into the fold."

Churches were too few, but no man within five miles of one failed to attend Mass on Sundays, and nearly every pulpit was what every pulpit should be, a chair of learning in the noblest of universities. The culture of the pastor, reminiscent of Louvain and Saint Omer, was in a degree transmitted to the flock, in simple and straight-forward discourse upon the great philosophy of the Universal Church. The schoolmaster, too, was

abroad—a strange preceptor judged by the standard of modernity. He was teaching reading and writing with an admixture of classical quotations, whose perversions enlivened the discourse of local orators in my day. On Sundays when Mass was over those of the congregation who could read, took home with them a weekly paper, either the *Nation* or the *Weekly News*, and in the afternoon, at the gable of the forge, or in the shelter of a wayside bush, the news of the week and the leading articles were read to attendant groups. The reading was followed by discussion and debate. I have heard these “illiterates” analyse and criticise speeches and essays with an original independence of thought of which their lettered grandchildren have become incapable. If these men had not learned to read and write, they had learned to think well and to act honestly. Their instincts were ever true. The toilers of the mountains and the sea had retained the traditional courtesy of thought and manner of ancient times. The hospitality of a mud hut was tendered with the dignity and grace of one of nature’s noblemen.

The system under which the land was owned and occupied was one that might well have proved a blessing, had the owners of the country been to their tenantry the organisers and helpers that their relationship implied ; but property in Ireland had always repudiated the idea that it had any duty beyond the extortion of rent. In my wide experience of Landlord and Tenant I met with only one case in which an estate was conducted on modern principles. The owner kept his property fenced, drained and splendidly equipped with buildings, and his estate office was a source of guidance and assistance to his tenants. No better conditions could, in those days, have been devised for the development and improvement of the country ; but this was one case. I never heard of another. As a class the landlords of the seventies were an utterly unprincipled

race of extortioners. The rich were absentees; they were not the worst members of the class, though many of their agents were bad. The "Encumbered Estates" Act had resulted in the breaking up or transfer of properties so as to create a class of petty squireens. Out of the wreckage of the old order, too often the clever agent or the sharp attorney had acquired his client's land, and this crew constituted a landlordism without conscience and without remorse. The Land Act of 1870 had made some provision for compensating a tenant who was driven out by rent raising, but in practice the protection afforded by the Act was illusory, and rent raising went on unchecked, until it brought the wrath of Gladstone upon it.

There is one great feature of the old land that must never be forgotten. There was in it nothing worth having that money could buy. The kindness, the courtesy, the hospitality, the joy of life among an affectionate race, were all beyond purchase. Men won and held their places in society and in the heart of the countryside by their personality, and never by their purse. The country was a Paradise for those of moderate means who loved the life of the mountain and river and sea, or the wild joy of the chase. The hunting field was no preserve for the idle rich. The farmer's son rode the young horse to hounds, and won recognition for himself, and a good price for his mount, on his merits as a sportsman. There were Hunt clubs—they are not dead yet—where a good-humoured communism insured that a patron lent his own horse or borrowed another on the requisition of the Master, so that all who could hunt did hunt. Game preserving was difficult. Popular opinion was perhaps on the side of the few preserves of pheasants, neutral as to grouse and partridges, but hostile on the subject of snipe, duck and plover. The curate was not infrequently a mild poacher. "I don't know what to do with that new curate up behind

Aunascaul," observed a despondent Kerry gamekeeper. "Would your Honour mind if I shot him in the knees." "The ould shtock" were respected as a true aristocracy, no matter to what straits dark fortune might have brought them. Of the worth that makes a gentleman there was an appreciation that took fifty years of "education" to eliminate.

My father was a most striking personality. Less than two years ago I was walking down a street in a city in the Midlands of England when an elderly man stopped me and addressed me by my name. He said that he knew me by my resemblance to my father whom he had once heard speak. It was difficult to persuade him that the man of whom he spoke had been dead for forty years. He was a man who had done for his country wonderful things, and had done them modestly. The bitterness of controversy was distasteful to his nature, but when the needs of his countrymen demanded that he should undertake the responsibility of Leadership, he did so bravely and decisively. He preferred an humbler place, where he might advance the cause he served by the respect and affection that he commanded in public and in private life. During his career in the House of Commons, he won the most sincere personal regard of the greatest of his political opponents who were glad to rank themselves as his friends. No other member of the old Irish parties achieved such a position or so held the sympathies of the House. He would not and could not have accomplished a fraction of what he did had he married anyone but my mother. She was a typical daughter of the old Confederacy. A woman of acclaimed beauty in her youth, she shed around her all the charm of the old South. She was welcome everywhere. She gave him courage and confidence in all trials. She never permitted him to doubt his own abilities. She overcame his shyness and she was indeed his better half from the day she married him. My

mother blamed my father for spoiling me by talking politics to a child, but she as will be seen did not abstain from doing it herself.

Her husband's methods of friendly and courteous reasoning in private intercourse with political opponents, did not meet with her approval. She had no doubt whatever of the immorality of disagreeing with her opinions, and she could not bring herself to think it right that even the husband she worshipped, should treat statesmen with whom she differed "as if they were gentlemen." Her house was the social headquarters of the Irish movement for many years. Thus was I born into politics, and while undoubtedly my father in my boyhood did develop my precocious nature, the very first political episode which my abnormal memory can recall indicates that my mother talked politics to me before he did. The story of the Glenbeigh eviction is well known as recorded in the pages of "New Ireland," where the proceedings taken to save the victims are recounted. It was years before the feelings, aroused by this outrage, had died down sufficiently to permit Glenbeigh to be revisited, but at last our parents took my elder sister and brother, and myself (just able to walk alone) for a tour in Donegal accompanied by some friends. I can call to mind being on a railway platform holding my mother's hand, when she led me to where a middle aged gentleman in a great coat was waiting for the train and she said to me, "Take a good look at that rascal, he is Billy Keogh." I required to be many years older before I could appreciate this epitome of the means, by which this quiet looking man had procured the office that he then held as one of Her Majesty's judges. No one could defend the perfidy of one who openly abandoned the popular principles which had won for him his place as a leader in public life, in order to secure a salaried office from a hostile government. I was therefore astonished, when I

afterwards joined the bar, to find that the memory of the political treachery of Keogh, was almost obliterated by the legends of his toleration and good humour. If he was a rogue he was a very pleasant rogue. There was an old ballad monger who used to ply his dismal wail outside the Four Courts, and the judge was accustomed to throw a penny into the extended hat, as he passed. One day it occurred to Keogh that his own name was figuring somewhat frequently in the ballad that the singer was droning so he halted to listen. The ballad monger, well knowing the identity of his audience, but quite unabashed continued to chant :—

“ Lord Norbury of old was something in the style of him,
His rude and vulgar impudence was always such a show ;
But Norbury himself lacked the venom and the guile of him,
And neither he nor Jefferies was a patch on Billy Keogh.
But some morning before long you shall surely hear it told of him
That on the previous night, before the cock began to crow,
A sable looking customer came up and caught a hold of him,
And off to nameless regions ran away with Billy Keogh.”

Keogh increased his contribution by an additional half-crown and passed on.

I have never forgotten the ballad. My mother taught me to sing it at an extremely early age, and encouraged me to display this accomplishment in company.

Whoever was responsible for it I certainly talked politics as soon as I could talk at all. I was not more than five when this propensity caused some trouble. Instead of being in the nursery, I was playing with my father in the study one evening when a visitor was announced. I was given some pictures to look at and retired into a corner as there entered Isaac Butt. His fame is now almost forgotten, yet Butt was an intellectual giant who in one step had passed from studentship into a position of acknowledged leadership of the Irish Bar. His lightest opinion carried more weight in the

profession, than most judgments of the bench. He had an unrivalled knowledge and understanding of constitutional law and history, and he was the leader of the Home Rule movement in Parliament.

The movement at that time was the simple assertion of the right of Ireland to legislative independence. The partnership offered by the Union had disappeared both in fact and in form and the British Government ruled the neighbouring nation in disregard of Irish opinion. The state of affairs amounted to repudiation of the Act of Union by both parties to it. The Irish agitation was directed to this one question. It was no doubt coloured by the part taken by the Home Rulers, in the controversy over the Land Act of 1870, but agrarian prosperity had obliterated that, and the claims of the Irish Nation were supported by a Parliamentary party in which the Protestant land owning class was largely influential. Party discipline as we know it to-day was in its infancy. A variable body, about forty regularly voted together and of these Butt had become in later years the spokesman rather than the leader. His position was attacked by intrigue within his party, and he was becoming a bitter and suspicious man when that evening he called upon my father, the most true and loyal of his colleagues and his friends. Among the pictures given to me in my corner was one of the *Weekly News* cartoons in which John Bull was represented as scourging a beautiful maiden called Erin. I was looking at this when I must have made some noise that attracted Butt's attention for my father cried "That is only my little son—Come here, Alex, and shake hands with Mr. Butt." I emerged from my corner, and went towards the stranger, when an unfortunate likeness struck me, and I became convinced that this person was the original of the John Bull depicted in the cartoon. I therefore put my hands behind my back and patriotically exclaimed: "I will not shake hands with this English-

man." Butt flushed at the remark. "So the wind blows that way in this house now, A. M.," he said. "Ah! nonsense, Butt," replied my father, "are you going to doubt me after all these years, because of the senseless phrase of a little child." "Little children hear more than you think and they translate it accurately," said Butt, as he put on his hat and walked out. The quarrel was healed but, if Butt ever visited my father's house afterwards, I was not invited to meet him. I believe he never crossed the threshold again.

If Keogh could be tolerant of a street singer and good humoured with his professional brethren, he could be mean and malignant towards his political opponents. When over forty years of age, a prominent figure in Parliament and in the public life of his country my father sought admission to the Irish Bar. Lectures had to be attended at the King's Inns in Dublin, but until the eighties, Irish Law students were obliged to enter their names and eat their terms of commons, in one of the Inns of Court in London. At the end of his student's course my father was a lecture or two short at the King's Inns, owing to the discharge of urgent Parliamentary duties. This was no great matter as his professors and examiners backed his petition to the Benchers of the King's Inns, to be excused, a petition granted almost of course to any student. Had some young snob missed his lectures to play for his county at cricket, or ride for his hunt in a steeplechase there would have been no question, but the Benchers of the King's Inns were dominated by unprincipled reactionaries and Keogh persuaded them to refuse his "call" to this leader of Irish opinion.

There was an outcry in Ireland, but the King's Inns cared nothing for that. The man who had been insulted had however already endeared himself to those interested in public life in England.

He had "kept his terms of commons" and no more

at the Inner Temple, he was asked to do no more, and in a country where he was a stranger pleading an unpopular cause, he was immediately admitted to the profession that in his own land had slammed its doors on him. Thus slapped in the face, the Dublin Benchers eventually "called" him, but meanwhile he had come to live in England.

Life in London afforded unlimited opportunity for spoiling me. My mother insisted on schooling, but during holidays, and out of school hours, or sometimes within them, I was brought everywhere, and talked to about everything. I saw something of the dreadful squalor and misery of the East End, where a few Irishmen sought to uplift their almost hopeless countrymen. I remember to-day with a shudder, that I never saw the children of the slums smile. They seemed to regard life as hopeless. Sunday was a blight on everybody. The working classes from mid-day on Saturday, until Monday morning, had no alternative occupation to drinking in a public house. Traffic ceased. From the toils of the dreadful day there was no escape. I was shown these things and made to appreciate the obligation to alleviate them.

Brighter scenes there were. I delighted in the House of Commons, and took a real pride in the welcome with which all there greeted my father. My first glimpse of Gladstone I can never forget. In one of the corridors of the House, he stopped us, and after a few words with the senior, he bent to the child. I doubted that it really was the greatest man in England. In the first place he did not resemble his picture in the hostile political cartoons with which I was too well acquainted, but stranger still, he exhibited to us none of that cruel ferocity towards Irishmen of which my mother spoke so much. His voice matched in harmony the kindly charm of his address, and I felt that he truly admired my father, and that he understood the feelings

of a little boy. My political principles were badly shaken.

The Irishmen as a party were of course bitterly hostile to Gladstone. Bitter things were said of him and of his colleagues, but occasionally a good humoured manœuvre caused the statesman some annoyance. Albert Edward, the Prince of Wales, enjoyed in Ireland a large measure of popularity based on two grounds; first that the Prince was intensely human and a thorough sportsman, secondly he was supposed to give the largest possible amount of annoyance to his Royal Mother. Queen Victoria was a great Englishwoman, but she was bitterly anti-Irish, and her consort's phrase that the Poles deserved no more sympathy than the Irish, was resented as inspired by her. Her attitude to Gladstone when he was her Prime Minister, is incomprehensible in the present day. He endured more than ever sovereign will put on minister again. It lent corroboration to the Irish story that the more hostile the Queen showed herself to Gladstone, the more eager was the Prince to patronise the Liberal Leader. On the occasions of important speeches by the Premier from the Treasury bench, the Prince often occupied his customary seat over the clock. According to the British Constitution, the House of Commons always met in secret. No stranger might know what happened in the assembly. To report the proceedings was a contempt that might entail long imprisonment in the clock tower. The great dread of the Commons House (according to the Constitution) was that its deliberations might be revealed to the court and might be forestalled by tyranny of the Crown. So much for theory. In practice there was a special gallery for reporters, members brought in their friends to the strangers' gallery, representatives of foreign Kings had their allotted space and three seats over the clock were dedicated to the Prince and his

suite. The Constitution ignored these things as did the House unless the anomalies were thrust upon its notice. The Prince came down one night into the crowded chamber to give the Government the benefit of his obvious approval. The great old Parliamentarian rose in his place, commenced with a few low modulated phrases, then taking the lapels of his coat, he shook himself up as it were and got into his stride. In the middle of a rolling phrase, he became aware that Mr. Joseph Gillis Biggar, a strange misshapen figure, had risen to a point of order. The orator subsided, and Mr. Biggar shook his spectacles towards the space over the clock, and exclaimed in the phrase of centuries, "Mr. Speaker, I spy strangers." The Constitution roused itself from its age long slumbers. To the echoes of the times of the inquisitive Stewarts it lent its ear. Every member then had the rights of secrecy if he demanded it. Out went all "strangers," including the Prince.

As the House of Commons would not listen to Irish grievances, the Irish members determined that it should have no chance of listening to anything else. They spoke for hours on every subject that presented itself. There were at that time no rules that would justify the Speaker interfering with the right of any member to address the House on any subject as long as ever he liked. The Nationalists carried on debates for days and nights without respite. My father was a wonderfully ineffective obstructionist as were some others. He never spoke except upon a subject that he thoroughly understood, and when he spoke he pleased and held his audience. Parnell complained that Irish speeches were becoming d—d interesting. It was not the business of members of the Party to entertain the House of Commons, their job was to bore it stiff. Mr. Biggar gave a useful illustration of how to do it. To a debate on India he brought a large collection of "Blue

Books " and Parliamentary publications on the subject. He commenced at page one of the earliest volume and started to read it through. Nothing could be duller than a " Blue Book " and the House groaned under it. At last the Speaker (I think it was Brand) interrupted. " There is no use in the Honourable Member continuing," he said, " for I am quite unable to hear what he is saying." " Then I'll come a little nearer, Sir," said Joe, and he carried his books up to the Clerk's table, selected a volume, and ascending the dais, he leaned affectionately on the arm of the Speaker's chair, and droned on and on and on. Brand tried to sleep, but whenever he commenced to doze Biggar read out some reactionary sentiment a little louder than usual and added a noise, reputed to be his version of a sarcastic laugh, but which would have taken a prize as an imitation of a policeman's rattle. It woke Brand as effectively and unpleasantly as a blow on the nose, and the entertainment went on until the sun shone. I was a frequent and delighted spectator of much of this warfare. I would be allowed " for the last time " to come into town in the morning on a pledge given to my mother, that I would be brought home early. On my arrival in the Temple a clerk took charge of me. The way home unfortunately lay near the House of Commons. " For a few minutes " I would be installed in the corner seat under the clock, actually within but constitutionally outside the House. Forgotten by my parent I was well looked after by his colleagues, and the kindly Sergeant at Arms took care to return me to proper custody at the close of the sitting.

Between 1879 and 1880 great change occurred in the Irish Political world. Butt had led a Home Rule Party that was in sympathy with Tenant Right. The acceptance of the Land League as the party organisation in the country wrought a revolution. The Irish Party now became a Land League Party with Home Rule

sympathies. The primary agitation ceased to be for self government, it became an agitation for the abolition of landlordism. The change over from Constitutional Reform to Land agitation, was reluctantly resolved upon by the Parnellite section of the Irish Party with deep misgiving. Strange to say, neither they nor their historians ever sought to justify it by the one overwhelming argument in its favour. Landlordism would have reduced an independent Ireland to chaos. No Irish Parliament set up prior to 1908 could have prospered, since no such Parliament could have solved the Land question. The foreign despot, temporarily benevolent, alone could afford to do it. The change involved war on old colleagues. Even in '79 there were recruited from north and south very many Landlord Home Rulers throughout the country and within the Party. In the main they represented the educated mind of progressive opinion, and they were members of a class without whose co-operation Home Rule would be futile. They could not support the Land League, and many went over to its foe. For those who were thus lost, the substitutes that were gained included some dubious elements. In many places the local branches of the League were already controlled by the secret societies. That the Central Committee of the League could ever govern these groups was gravely doubted. They had to be conciliated, and thus an organisation officially in unison with a constitutional parliamentary party, became involved in a policy of maintaining in public life advocates of violent revolution. The die however was cast, and eventually Parnell and his party were driven to the limit of the "No Rent" manifesto, and the lamentable tyranny of boycotting.

In the course of the campaign the leaders of the movement were imprisoned without trial, and the Land League was suppressed.

Anna Parnell (a sister of the Chief, remembered now for one touching verse) collected a number of enthusiasts, including my mother, who formed "The Ladies' Land League," and purported to carry on the Land agitation. I will not be so disloyal as to measure this movement by its practical results, or recall Parnell's opinion about it, but it was a generation ahead of any corresponding effort by women elsewhere to control public affairs and it deserves to be noted.

My father was infinitely distressed by the bitterness of this struggle. On the one side the efforts of his life had been directed to keep the criminal from being mistaken for the patriot, on the other hand he fiercely resented the mean, sullen unreasoning hostility of English Statesmen towards Irish opinion.

One day my father found on his desk an unfolded letter addressed to the Home Secretary in my mother's handwriting. It was a peremptory order that upon the following Tuesday the arrangements for her visit to her friend, Mr. Michael Davitt, at Portland should be put on a much more satisfactory basis than on the previous occasions. Especially was the Home Secretary warned to caution the Governor of the Prison, against intruding himself into a conversation that was not meant to include him. There was a demand for free passage of Nationalist journals.

It dawned upon my father that convicts were not usually permitted to receive visits. Notwithstanding the acerbity of the political situation he had remained on terms of personal friendship both with the Home Secretary, Sir William Harcourt, and other members of the Cabinet. It occurred to him, that a special privilege of visiting Davitt had been granted to my mother under the mistaken idea that the demand came really from himself, and in a fit of deep humiliation he wrote a personal note to Harcourt disclaiming any desire to be treated in any way differently

from any other Irish member and conveying an assurance that he had known nothing of the courtesies of the Home Office until that day. He passed his letter behind the Speaker's chair and received a scribbled reply:—

“My dear A. M.

No explanations are needed, I am married to an American myself—W. V. H.”

In 1881 there was passed the Irish Land Act, the greatest measure of enfranchisement of a peasantry ever known in the history of Western Europe. No longer could landlords raise rents as a prelude to evictions. Rents were to be fixed by a public tribunal. So long as these fair rents were paid no tenant could be evicted. The interest in the tenancy might be freely sold. The agitators for agitation sake were sufficiently strong in the Irish Party to commit it to a policy of belittling this great measure and of advising the farmers to keep out of the courts. My father refused to accept this decision and feeling it his duty to urge his countrymen to make use of the vast rights that had been conceded to them he placed his resignation in the hands of the chairman. Parnell was not perhaps very sincere in his sympathy with his party and largely by his intervention my father was asked to remain in Parliament, being given liberty of action upon the land question.

Irish affairs took a turn for the better. The imprisoned Nationalists were released, Davitt was discharged on a ticket of leave, Gladstone was converted to a policy of conciliation towards National opinion in the disturbed country. The Coercion ministers resigned, and upon the sixth of May, 1882, the harbingers of the new spirit, Lord Spencer, the Viceroy, and Lord Frederick Cavendish, the Chief Secretary, made their State entry into the Irish capital. That evening the agents of “The Invincibles,” murdered Lord Frederick

Cavendish and the Under Secretary Burke in the Phoenix Park. This dastardly outrage reduced all Irishmen to despair. My father hastened to tender his condolence to Lady Frederick Cavendish, calling at her house to leave his message. He had hardly returned when there came a reply on her behalf. "She had been informed of his visit and she appreciated that he represented the true sympathy of his nation. In her deep sorrow she prayed that his noble people would not be made to suffer for the crime of a few assassins." She never reproached anyone. Her husband had gone to Ireland solely in the hope of serving the Irish People. She would not have had him act otherwise.

The strain of many years of superhuman activity in the service of his country had left its mark upon his constitution and in the recess of '82, "A.M." desired to resign his seat in Parliament. He applied for his stewardship of the Chiltern Hundreds, the customary method of vacating a seat by acceptance of a Crown office. It is interesting for a Constitutional lawyer to note that Gladstone was of opinion that a grant of office for the mere purpose of effecting a resignation, should not be made while the House was in recess. In the particular case this view threatened to work great hardship.

The applicant was a poor man who desired to practice at the Parliamentary Bar, and his work as a junior would commence during the Parliamentary vacation. His intentions were known to a large circle, and work was pressed upon him which as a member of the House he was compelled to refuse. To be disqualified during the Autumn when the next sessions private bills were in process of initiation, would practically eliminate a junior for a year. From the nature of the work a member of the outer bar cannot expect to get a brief for the conduct in the Committee rooms of bills shaped and launched by another barrister. I cannot find Gladstone's final reply to the letter urging these con-

siderations. The next time that the question might have arisen affecting an Irish seat was in '91, when Parnell died. No objection was made to facilitating Jack Redmond in vacating his seat during recess in order to become a candidate for Parnell's old constituency.

In 1884, however, my father found himself on the road to professional success. He was welcomed in the sphere of his new activity and he was at last engaged in congenial work for which he was admirably equipped. He was in high spirits as we set off again to spend our holidays in Bantry. "At last," he said, "the clouds have broken and I see daylight ahead."

While we were in Bantry my youngest sister was born in London. The day the news came found her father seriously ill, but he resolved to struggle homeward. He reached Cork and for some weeks lay at the house of an old friend beneath the shadows of Shandon. Thence he reached Dublin where he was received with the true hospitality and deep affection with which Willie Murphy ever greeted him. He could go no further. He died amid his own people, a mourning concourse kneeling outside on the lawn at Dartry, and he was laid to rest in Glasnevin with unrivalled manifestations of his people's grief. We went back to live in Dublin, the wards of a Nation that remembered him gratefully and generously. I hope that no one of us has ever forgotten that.

CHAPTER II

YOUTH

IN any country but England, the enlargement of the franchise and the re-distribution of seats that took place between '84 and '85 would have occurred only as the result of revolutionary violence. The English, however, are experts in real revolution, and they effect it without any noise. Cromwell did create some disturbance to the peace of the country during his argument with Charles, so the next time these people wanted to change their King they sent the two claimants to fight it out in Ireland at the expense of my quick witted people who staked and lost their liberty in the cause of a cowardly poltroon.

That the new franchise would greatly aid the Parnellite party was recognized by all, but until the close of the first sitting of the revision courts, the Orangemen did not appreciate what had happened in Ulster. The Nationalists had perceived that it was in the revision courts that constituencies were to be lost or won, and upon the work of revision they concentrated all their force. They had at their disposal the services of a brilliant band of young solicitors, and recognizing the value of the enthusiasm of youth, the National League trained an army of young men and boys, taught them the franchise act, instructed them in the mysteries of the "inhabitant householder" and in technicalities of a lodger's claim, and sent them forth to find electors to be put upon the register. The quest was most successful. When the register was complete, no time was lost in preparations for the

elections. Youth again was summoned to the political class room. Personally I was far better acquainted with the provisions of the Ballot Act, and Corrupt Practices Act than I was with Cæsar's obviously untruthful account of the Gallic War, at a time when I was supposed to be studying the Gallic War and not the Ballot Act. Thus it happened that in the middle of my teens I found myself, at his request, taking part in Willie Redmond's campaign in North Fermanagh at the end of the autumn of '85. The Nationalist organization was being tried for the first time. It proved surprisingly efficient. Very little change was ever made in it, and it won the tribute of imitation by its foes. The staff work of bringing voters to the poll became so perfect that in the last three elections for North Tyrone in which I took part ninety-eight per cent. of the living electors recorded their votes.

The comfortable thing about an Ulster election was that everybody knew what the result would be, except in places where the majority on the register was less than ten. The whole province did not contain fifty electors whose action on the polling day could not be forecasted with certainty. No constituency was afflicted by voters with open minds. Everyone was either a Nationalist or a Unionist by birth. No one ever went over to the other side. It did not even require any deep knowledge of local conditions to pick the winners of an Ulster election. It was only necessary to peruse the register. The voters with native Irish names were Nationalists, the voters with English and Scotch names were Unionists. A forecast based on this analysis would certainly be within two per cent. true. In North Tyrone and in Derry City the Nationalists were eventually able to win the seats with the register against them. The rich Unionists would not leave the Riviera to vote, while humbler Nationalists came home from America.

Notwithstanding the certainty of the result the pomp and circumstances of a campaign were ritually observed. Our people liked it, especially when we were going to win, with the certainty of defeat the demonstration of a campaign was the more necessary. The weather made campaigning a bleak and cheerless occupation in '85, but in the summer election of '86 we had a most enjoyable experience. Enniskillen was our head-quarters both for North and South Fermanagh, Henry Campbell, Parnell's secretary, being candidate for the latter constituency, and we had a delightful company. Willie Redmond at our head was one of the most lovable of Irishmen. His speeches were not always the most sedate efforts of statesmanship, but he was an abler man than his exuberant oratory indicated, and an abler man than he himself ever claimed to be. To the moment of his glorious death, Willie was a simple, unaffected kind hearted Irish boy, whose young heart maintained the freshness of his early years against the assault of age. In his company no one could be dull. Other members of our staff were Tom Condon, M.P., the perpetual Mayor of Clonmel, Joe Cox, member for Clare (where a few years later Willie Redmond fought and beat him), John Condon, who had conducted the revision, and some small fry like myself. We were taking our warfare somewhat easily, boating being pleasant and the fishing good, when we were surprised by a visit from Mr. Joseph Gillis Biggar, who arrived at our empty base of operations one day while we were amusing ourselves on the lake. This was practically the first time I had met him. He was of course in the House of Commons as a colleague, yet I cannot remember ever seeing him speaking to my father and I had the idea that they were not good friends; I was therefore surprised when dinner was over and we had all been severely lectured about wasting the National League's time and money on frivolity—when Joe came over to me

and asked me to go for a walk with him. As we strolled he spoke of my father and spoke of him in such terms of personal affection as I had never heard exceeded by any member of the old Party. He conveyed to me that he always desired to be a closer friend, yet some strange sense of shyness had checked advances on each side, and he now was glad to show some kindness to the son. He made me feel that if I needed a friend I would find a readiness to help in him. I regret to say that Joe Biggar's lecture failed to reform the pleasure-seeking proclivities of our party, and on the following Sunday we went in our half-dozens to the seaside village of Bundoran, which was not in either of the constituencies in which we were supposed to operate.

The excuse was that we might give Arthur O'Connor a helping hand. As at the previous election he had beaten his opponent by something like ten to one, he did not appear to need us badly, but we went. We happened to occupy the front seats in the church to which we had repaired on our arrival, and this circumstance was the exordium of the sermon. The Very Reverend Pastor gave a short personal description and a biographical sketch of each of us, from Willie Redmond, "whose hair could not be mistaken," to "the boy who mightn't have much sense yet, but had good blood in him." The holy man continued, "I have been advised that there is some statute or Act of Parliament or something that forbids intimidation or undue influence at elections, so all that I'll say to you about your own election is this:—Woebetide the man who does not come in next Thursday and vote for Arthur O'Connor, he'll get three weeks in Lough Derg the next time he comes to confession." This, of course, was not a threat to submerge the culprit. On one of the islands in the lake is St. Patrick's Purgatory, to which pilgrims resort to go through a form of devotion, moving from one "station" to another on their knees, and living under

circumstances not only of grave discomfort, but of severe physical pain in the case of those who are not the most robust. The spiritual exercises are not repeated for more than a few days. Had Saint Patrick inspired Parliament to schedule the Purgatory among the penal establishments of the country, judicially I would consider three weeks in Lough Derg equal to many months' imprisonment with hard labour.

The elections of '85 and '86 brought into clear view a problem that was little appreciated. There was in principle no great difference between Home Rulers and Unionists. In the view of the former Ireland suffered a number of disadvantages moral and material under the constitution of the United Kingdom. In view of the latter Ireland reaped a vast surplus benefit from her relationship with Great Britain. Both sides were willing to argue their case as Irishmen. It became, however, impossible to ignore that in the North-Eastern section of the Island there was a large community that resisted the Nationalist demand on other grounds. They called themselves "loyalist" and were given to abusing their opponents as Popish rebels.

The Nationalist organisation there was exclusively Catholic, and there were some of its directors who were, no doubt, anti-Englishmen, regardless of the interests of Ireland, but the issue raised was not with them. It has always been the duty of every Irishman to be loyal—loyal to Ireland. His own country claims him first. If loyalty to Ireland were to be incompatible with loyalty to the Empire the Irishman should oppose the Empire. The Nationalist doctrine professed belief in the essential identity of the interests of Ireland with those of her more powerful neighbour, and sought only legislative independence under the Crown.

The Orangeman repudiated all obligation of loyalty to Ireland. To him her interests mattered not at all. He claimed to be a privileged foreigner, alien in race

and creed, a citizen of Britain never to be absorbed by the race in the midst of whose land he was planted. Much abuse was hurled at the Orangeman, and his ignorant and intolerant bigotry deserved much, but no one thought it worth while to examine his position and its factors, or to consider how far it would be possible to include this strange sectarian savage within an Irish state. From the earliest invasion it was the policy of English statecraft to maintain throughout the smaller island a garrison of Englishmen. They might indeed never have seen England, but in theory there could be supplied sufficiency of the British stock to maintain a colony of that race who would support British rule. This plan had miscarried again and again. The Colonists married Irish girls, the children were Irish, and when they succeeded to the English titles of their fathers, many must have merited the Lord Deputy's description as being more Irish than the Irish themselves. At the end of the sixteenth century there arose a barrier against the intermarriage of the natives and the stranger, far stronger than the wrath of princes.

The Reformation made no converts among the Irish, but gradually there grew up among the strangers a generation that believed in it. Upon no subject did the new church differ from the old so widely as on the doctrine of marriage. Sincere believers in either creed, new or old, would have difficulty in reconciling themselves to a union, less than ambiguous in the eyes of the law. The state as far as in it lay, rendered it impossible that a Catholic girl could attain the status of the wife of a Protestant. Such unions were condemned by law, for the law well appreciated the omnipotence of the character of the Catholic mother in the moulding of the child's belief. For the next two hundred and fifty years robbery and persecution maintained the native Irish in the condition so degraded that intermarriage with Protestants would be rarely thought

of. When the Catholic population won its way to social equality the Catholic Church avoided the marriage that the law sanctioned, or girt it about with such slight and humiliation as to make it impracticable. The wisdom of this course is open to grave question. The positive religion of the Catholic woman would certainly outbid the mere negation of the Orange creed in the upbringing of the family. The same consideration does not apply to the case of Catholic boy and non-Catholic girl, and will not apply until the religions and doctrinal instruction of the Catholic community is enormously improved, even in the North where such education is far in advance of the South.

Wisely or unwisely however, the die is cast. By intermarriage alone can a nation absorb the foreign immigrant. The Orangeman is forbidden to become an Irishman, no matter for how many generations his people have been rooted in the soil. He may, perhaps, become an Irish citizen as a negro is an American citizen, but all circumstances of the times conspire not only to perpetuate him as a foreigner, but to assign to him a piece of what once was Ireland to be his foreign land.

I never heard an Orangeman profess any religious conviction except that regarding the eternal residence of the Bishops of Rome, but he patronises if he does not belong to the Presbyterian Church. The Church of Ireland in the North was "Liberal" in many districts. A Parson in an Ulster village in his study one evening was confronted by a deputation of three able-bodied gentlemen. "We've just come t' tal ye," said the spokesman, "you're goin' t' fly the Union Jack on the steeple of yer church on the twalfth of July." "Well, I don't think I will," said the Parson. "I'm a staunch Loyalist, but I receive nothing but kindness from my Nationalist neighbours, and I am not going out of my way to offend them." "If ye don't fly the Union Jack,

we'll complain ye t' yer Bishop," said the man. "You are quite welcome," said the Parson. "I am perfectly sure the Bishop will endorse my conduct. I don't understand, however, why you gentlemen should interfere in the matter. I know my flock pretty well, and I've never seen any one of you inside my church." "Indeed, you won't see us in yer Church," was the reply. "We're good Prasbyterians, and we don't go t'yer Church." "That simplifies matters," said the Parson. "Leave my Church alone, and go and fly a dozen Union Jacks on your own Church." "Look here," exclaimed the intruder angrily, "are you suggesting that we should desecrate the House of God?"

"Who are these people coming out of that building," asked an American tourist of an Orange car driver. "Oh, them's Papishes coming from Mass." "But this is not Sunday." "No, but them Papishes has queer days like this that they go to Mass on. I don't rightly know what day it is, but I hear that the Virgin Mary is implicated in it."

The Irish Party carried eighty-five seats at the '85 election and one more at the next, but the defection of the "Liberal Unionists" left the Home Rulers in Parliament faced by an enormous majority of foes. In Great Britain, however, the Liberals with the help of the Nationalists commenced an educational campaign on the Irish question, that would certainly have converted the British electorate, had it not been nullified by a catastrophe. In Ireland there was started a movement from whose evil the country did not recover for nearly twenty years. The contrivers of the "Plan of Campaign" were well aware of what they were doing. They knew that their enterprise would turn many a farm into a wilderness, many a comfortable home into a roofless ruin, above all else many an honest Irishman into a trickster and a rogue. The tenants of estates were to fix how much rent they would pay, the National

League would send down representatives to collect it, the League would tender it to the landlord. If he refused to accept it in full discharge and insisted on legal proceedings, the tenants were to suffer eviction and the loss of their permanent tenancies rather than pay the legal rent whether they could or not. An elaborate system of fraud was invented to evade payment of decrees. Terrorism and boycotting were to ensure that the evicted farms should lie derelict; the misery and discontent that must ensue were to be exploited for the political movement. To the young and reckless this had all the attractions of the defiance of authority with a spice of danger. The rents fixed by the Land Courts were still too high, many classes of tenants were excluded from the Land Acts: there was a legitimate grievance at the bottom of this, and English statesmen like making to scoundrelism concessions that they refuse to honest demand, but no advantage that could be thought of could compensate the country for the systematic demoralisation of the people. The conspiracy killed private credit. The man with a hundred pounds to spare could no longer lend it to his enterprising neighbour who needed it. No man could be trusted. All that the peasant could do was lend his surplus money to a bank at contemptible interest. The bank lent it to his neighbour at a percentage to cover roguery, and laid the foundation of a fortune for its shareholders.

The most sinister feature of the time was that the persons who claimed to represent the Catholic Church made no sincere effort to combat this attack on the *morale* of their people. One Bishop, Dr. O'Dwyer of Limerick, denounced it, and Messrs. Dillon and O'Brien organised a meeting under his windows to insult and to intimidate him. His colleagues said nothing. When the scandal reached the ears of Rome, a Papal delegate was sent over and condemnation followed, but the delegate was received coldly and the Papal rescript was

perfunctorily read in the churches and cast aside. Of course a prosecution for conspiracy was commenced against the more prominent Campaigners. No Government could avoid this step, but the spoils system had so poisoned the administration of justice that the judge and the army of prosecuting counsel were all prominent anti-National politicians and all semblance of the impartial trial was obliterated by the atmosphere of the political court. It was in connection with this prosecution that I had my first experience of a professional conference with counsel. I and everybody else who had no business to be there attended the festivities at No. 7, Rutland Square, which were dignified by the title of a consultation. Val Dillon was the solicitor for the traversers, and in view of the fact that the house was his residence, his presence there was perhaps excusable. There also were present some members of the bar who were not Nationalist agitators, but the rest of that assembly was a political meeting. The professional persons were permitted to sit around the great table in the dining-room while the people who really mattered, lectured them. At the head of the table sat the Rt. Hon. Samuel Walker, K.C., who had been Attorney-General, and was destined to be Lord Chancellor in a Liberal Administration. He was exceedingly unhappy. The way he came to be there was this. The leading brief for the defence had been sent to The McDermott, Prince of Coolavin, who also had been a Liberal Law Officer. The old Prince consulted his senior about the advisability of accepting this invidious retainer, and Walker expressed the opinion that some day Providence would enlighten Gladstone as to the error of his ways, the great statesman would relinquish his mad frenzy for Home Rule, and the Liberal party would return to its natural occupation of prosecuting Irish Nationalists. Under these circumstances it would be very awkward for a law officer to

have appeared for the defendants in such a case. The McDermott returned the brief and Sam accepted it himself. I think he was sorry for his rashness when he sat at that table. The fumes of hospitality alone would have unnerved one, had there been no excited crowd of Plan of Campaigners shouting their multitudinous experiences each to unlistening competitors. The gloomy figure of John Dillon flitted along the wall. William O'Brien rampaged behind Sam's chair, and finally seizing the great lawyer by the shoulders he instructed him, "Mr. Walker, I have here a report of the speech of this fellow, Pether O'Brien, that the renegade delivered at the Clare election ten years ago, and if this infamous creature attempts to "stand by" a single Nationalist juror, you will ram it down his throat!" This was, of course, what the Rt. Hon. Sam might be expected to do, but his look of terror as he glanced over his shoulder at the excited patriot who was shaking him like a sack was ludicrous in the extreme. "Tim" roared Dick Adams from the foot of the table to Harrington, who was sitting beside the unhappy Privy Councillor. "Tim, look at Sam, for God's sake, look at his face. Wouldn't you think he was a duchess who had wandered into a disorderly house." The comparison between the prim and respectable Whig and the noisy disreputable Nationalists was not only apposite, but was complimentary to Sam. Nevertheless, he did not appear to like it. Perhaps Adams phrased it somewhat more coarsely.

There was always an outcry at the practice of jury packing in Ireland, and the system was grossly abused. The Crown had no right of challenge, but it had the right (exercised in England only in one case in recent times), of ordering jurors to "stand by" until the whole panel was perused. The prisoner had usually six challenges, or in a charge of felony he had twenty. If, therefore, the Crown so desired out of a panel of a

hundred the jury were bound to be selected from a predetermined group of eighteen or thirty-two persons. It is very hard to know what else could be done. The Catholic authorities would not teach their people the moral obligation of being truthful and honest in the discharge of public duty. Perjury in the witness box was regarded as a trivial matter and jurors were canvassed by the friends of the prisoners. On the other hand, there were "Crown" jurors who would convict with as much disregard for propriety as any others. "It was a shocking thing, Michael," said a friend to the foreman of a jury, "a shocking thing to convict in that case in face of the evidence." "My dear Denis," was the reply, "these are no times to be bothering about evidence." The matter was once attributed to the more complete perusal by the Celtic people of the commandment:—"Thou shalt not bear false witness." There the Englishman stops. The Irishman regards the second portion as more important—"against thy neighbour"—meaning thereby that thou shalt bear false witness in favour of thy neighbour as required. It will be remembered that this reading of the Holy Writ was enforced by the highest military society in England in connection with the Colin Campbell case, where the more than neighbour was a lady, and an officer who refused to act on this version of the precept, was "sent to Coventry."

The strangest performance of challenging a jury that I ever witnessed followed the wonderful consultation at Rutland Square. The traversers included a dozen of the most notable Nationalist M.P.s, and there was intense interest in the opening of the proceedings. One of the traversers was Willie Redmond—at whose name every true Irish heart still throbs—but Willie got the mumps or measles, or some ridiculous complaint on the first day of the trial, and he was so afraid of being jeered about it that he asked me to go up and answer for him

during the remainder of the performance. In such a case the composition of the the jury ended all. The charge being a misdemeanour, the body of the traversers had but half-a-dozen "peremptory" challenges between them—the Crown's right of "standing by" was unlimited. It was determined, challenges being so precious, that effort should be made to object to jurors "for a cause shown." When challenged for cause a juror is himself put upon his trial before two "triers," who must be the next two jurors answering in the ballot. Triers cannot be objected to.

In due course after some skirmishing, "St. John Maurice Fitzhubert" is called in the ballot. He answers. Sam Walker, K.C., states that he is challenged "for cause shown," namely, that he does not stand indifferent between the Crown and the Traversers. Much time is occupied in ruling whether this must be put in writing and engrossed on parchment. At last Messrs. Flaherty and Dooley the next two in the list, are empanelled as "triers," and Fitzhubert—given to them in charge—is summoned to the jury box to bear witness against himself. Examined by Tim Healy, he admits not only that he reads at breakfast the *Irish Times*, but that returning homeward in the tram, he peruses the reactionary *Evening Mail*. The spectators shudder at this monster, and counsel duly submit to the presiding judge that a purblind and prejudiced person of this kind should be pronounced on by the triers. The judge is the Rt. Hon. James Murphy, an eager and devoted subscriber to the journals mentioned, and keenly alive to the possibilities of such doctrines as he now hears promulgated. The Rt. Hon. James directs Messrs. Flaherty and Dooley that there is no evidence of prejudice on the part of Fitzhubert, and that their duty is to return a verdict that he stands indifferent. Messrs. Flaherty and Dooley, both active members of the National League, announce that they will confer

about it. At the end of ten minutes they express the opinion Fitzhubert does *not* stand indifferent. Great constitutional questions loom upon the court. Counsel for the Crown submit that this finding shall be ignored, and that Fitzhubert shall be admitted to the jury box, "*Non Obstante Verdicto.*" Counsel for traversers demand that the opinion of the triers be entered on the record as a solemn verdict, and they submit that same can be impeached only by appeal in error to the court *in banc*. The Rt. Hon. James is deeply concerned as to his power to transport Flaherty and Dooley into penal servitude for contempt of court, but constitutional questions he despises. As a weak compromise he rules that Flaherty and Dooley go free and Fitzhubert be sworn as a juror. Fitzhubert advances to take the testament in his right hand as invited, but is challenged peremptorily. Nothing accomplished, nothing done, the court then adjourns for lunch. At 8 p.m. twelve jurors have been sworn and court adjourned. As seven of the jurymen are Tories, two are Liberals, and three are Nationalists, public interest is at an end in the case. No one can believe that a true verdict would be found according to the evidence. The trial goes on for weeks, but no one cares. The Traversers never attend. They are all out on bail addressing suppressed meetings.

Meantime the Plan of Campaign went on. It was all very miserable. The tenants of Smith-Barry had no quarrel with him, but they were bullied into refusing to pay their rents because he was an active Unionist politician. Not only the farmers but the townsmen of Tipperary were involved in this criminal insanity. Their rents were nominal, their interests enormous. All were ruthlessly sacrificed, and the trade of Tipperary, the most prosperous of the small Munster towns, was wiped out. The town was left empty. The citizens were drafted to hutments in the vicinity. Everyone was ruined. Had there been any leadership in the party

this thing could not have happened. When Parnell heard of it, the Party had already been stampeded. It was his fault that this curse descended on the country. He was nominally the leader, but he had ceased to take any active part in the directions of public affairs. It is true the proprietors of this "stunt" ran the same risks and suffered the same imprisonment as their dupes. According to the silly conventions that crippled expression of public opinion, this silenced criticism.

No matter what folly or crime a man was advocating, if the British Government prosecuted him, the Irish people were bound to allow him to ruin their country. Such was the unwritten law.

The tenantry hated the Plan of Campaign, but the substitution of capacity to read, for capacity to think, which had now been universally accomplished by what called itself education, left these poor people at the mercy of the agitators and the press. Their "illiterate" parents would not have been led to ruin by false and empty phrases. There were some comic interludes. Mr. Jasper Pyne, M.P., who for the purpose of Parliamentary obstruction was a professional stutterer, when pursued by the police took refuge on the pinnacle of a tower. How he got there no one could tell. The place proved inaccessible to the constabulary who instituted a seige. Jasper disappeared and was next discovered in his seat in the House of Commons. When he finally disappeared from the deck of a boat at sea, the Companies who had insured his life waited for years to see if he would repeat his mystification before they would pay. "Suppressed" meetings would be held on the bank of a river or the edge of a great lake. On the alarm being given, the meeting would migrate in boats. Legal defences were invented for traversers. An ingenious attorney in West Limerick argued that a good hunter was always spoken of as "as great lepper," and the advice to treat a land grabber as a leper, was an

invitation to feast him as a champion jumper. The most humorous feature of these dreadful times was the importation of distinguished English Statesmen to witness the atrocities of the Government. It was good business excellently done. Ex-Cabinet Ministers and Privy Councillors were led about the country to "proclaimed" meetings, and riots were staged for them. It was surprising to an Irishman how effective this was in carrying on Home Rule propaganda in England. The scenes in Tipperary must have been very shocking to the Englishman's conception of good government. The Royal Irish Constabulary were men recruited from the same stock as the members of the crowd. They were not quite so excitable, but when excited they behaved in much the same way as their assailants. The Privy Councillors ignored the conduct of the mob in beating peace officers, but were deeply moved at the sight of peace officers beating the mob. Father O'Flynn might have asked "Cannot the polis be Irishmen too?" In effect, however, it was folly to interfere with meetings arranged for the instruction of the distinguished Saxon. If lawless speeches were made the Englishmen would have dissented. In the presence of men like John Morley or Shaw Lefevre the Campaigners were much too clever to let loose "red" orators. Suppression of Public speech obscured the issue. Another piece of official folly was that for one rogue prosecuted for a dishonest act in furtherance of the agitation, three men of good position were sent to jail for such technical offences as insisting on addressing meetings that were proclaimed, taking part in meetings of "suppressed branches" of the league, or printing reports of these in the Press. The most proper indignation roused by this tyranny, effectively diverted attention from the shameful proceedings that were pauperising and demoralising the Irish people. When matters were most desperate Captain O'Shea launched his bolt.

Parnell had entered public life as a member of a party of gentlemen engaged in a great constitutional contest. His social position and his education were in keeping with his early political associations. The first modification of his position was in his rivalry of Shaw. The more sedate and what in Ireland would have been called the more "respectable" elements of the party were inclined to support Shaw, and by a dispensation hard to understand Parnell became the hero of the *bourgeoisie*. The threat to his power levelled by the combination of Fenianism and the Land League, compelled him to assume the role of Land agitator, and compelled him to associate with men of a social and intellectual order that he must have disliked. To my youthful mind during the few years in which I had opportunity to observe him, he appeared to despise his surroundings.

I well remember one of the most important meetings of the Central Branch of the National League. Parnell was late. He drove up on a side car, dressed in an old shooting suit with Grouse, his lovely red setter, on the seat in front of him. The welcome of the meeting was accepted disdainfully. While Tim Harrington was speaking, Parnell left the chair and amused himself tossing scraps of biscuits to Grouse. While presiding he was cold, detached, unsympathetic. The people unquestionably liked him so, and respected him because he spoke poorly and intelligibly, and did not roar out resounding phrases. Dr. Joe Kenny gave a dinner party in his honour that evening. There were many distinguished guests. Parnell came late in the same old shooting suit accompanied by Grouse, to whom he threw scraps from time to time during dinner. My mother was a guest and she was furious at the slight put upon her host. I was often surprised that men like my father and my uncle took no notice of the air of condescension with which Parnell clothed himself in his intercourse with his lieutenants.

After the split there was a change. Nothing appeared to me so strange as the air of affability with which Parnell consorted with his undesirables, in the three or four riots in which we met in those unhappy days. He can hardly have been a close student of Irish Character. When the Carlow election was pending in 1891, there were rumours that Parnell, who had refused to demean himself by defence in a "British Court," was about to produce a complete answer to O'Shea's charges in the divorce case. There were tens of thousands of Irishmen who believed that he could do it, and we were greatly puzzled and to some extent alarmed as we set out for Carlow, wondering what was the revelation that was to be sprung upon us. It proved to be his marriage with Mrs. O'Shea. It is impossible to imagine any step that could be more damaging to his cause in Ireland. It destroyed instantly the faith of the many thousands who had until then believed in his innocence. He never could have understood the manner of thought of the Catholic Irishman with regard to such a transaction. The O'Shea's were joined as husband and wife by an irrevocable Sacrament. No court of any land could break that bond. To have gone through the ceremony of marriage with one who pretended to be liberated from the bond of a Catholic union was an insult to the Catholic Church. It would have ruined a public man who had never known the woman before divorce. The man who had led the Irish race for ten years had never learned this.

Of all those who were associated with him I wonder how many really knew Parnell. They were very few, and none of them was prominent in the political agitation. I fancy that William Corbett knew him, and Dick Power. They also were country gentlemen who shared his tastes in country life, his love of sport, his affection for a setter. Corbett, too, was haunted with dreams of Wicklow gold mines, never ending topic of

discussion under the hospitable roof of Spring Farm. If he revealed himself to anyone, Parnell was the intimate comrade of these two—and I never heard either of them discuss him. He loved Dr. Joe Kenny: no one who ever met Joe Kenny could think of him without feeling of affection, and Parnell took a real pleasure in accepting the wonderful adoration of the kindest hearted of a kindly profession, but I do not think that Parnell was ever as frank and open towards Joe Kenny as the Doctor was towards Parnell. In the closing days of misfortune Jack Redmond was admitted to a close and sincere intimacy. The rest—even the biggest of them—Parnell used as he needed them; familiarly perhaps, but he kept them at a mental distance, no matter how long or how close his associations might be. Parnell was more than a bit of a snob. He was always conscious of the vulgarity of the Party standard, as compared with the culture of his own class. It is amusing to note how many have published their impressions of intimacy with Parnell. Those who really knew him spoke of him but little, and of him wrote nothing.

The Plan of Campaign, the National League, and the Home Rule Movement were all paralyzed by Parnell's exposure. The publication of the evidence given in the divorce case brought by the Captain against his wife and Parnell, absolutely stunned the Irish people. The country was utterly unprepared for it. Within a few weeks of the actual hearing of the petition those who were taking an active part in the agitation, members of the League and Nationalist journalists, did receive vague hints that Parnell might consider it good tactics to ignore this malicious attack on him in the "British" courts. His vindication in the tribunal appointed to try the indictment of a nation, and the termination of his action against the *Times* were alleged to have determined him to take no further part in any legal proceedings of any kind. Many members of his party

firmly believed that O'Shea was merely another agent of the *Times*, and that the petition would rank with the Pigott forgeries. The actual state of affairs was well known only to a few. From the moment that Parnell forced O'Shea upon the electorate of Galway, Biggar and Healy who resisted this scandal, well knew that sooner or later O'Shea would strike. Biggar wished to force the situation. In the welter of the defeat of '86, the destruction of Parnell would have done little harm. When he did fall he dragged down the National movement with him, with the Home Rule campaign in Great Britain on the eve of victory. As the dreadful news sunk home everyone in Ireland was bewildered. Public opinion unanimously felt that Parnell must disappear, but with that love of false drama that ranked as cleverness in Irish politics, a sham movement of sympathy was organised to make his disappearance easier.

At the time of the divorce suit, Tim Healy was going through a severe attack of typhoid fever. He was attended by Doctor Joe Kenny, who unfortunately, was a fierce politician and the most sincere worshipper that Parnell counted among his followers. Tim had been permitted to sit up for a couple of days and I called round one evening hoping to find him downstairs. He was out. His enthusiastic politico-medical adviser had called for him and carried him off to a meeting at the Leinster Hall, held to raise funds for the evicted tenants. A resolution of confidence in Parnell was proposed, and Tim issued an eloquent warning intended to silence public opinion. "Don't speak to the man at the wheel."

Unpleasant facts soon gave the orator cause to speak much and to speak unpleasantly to the helmsman who proposed to wreck the ship, and the Leinster Hall speech was for long an embarrassment. Joe Kenny was delighted. He had been among the dearest of my father's friends who had welcomed my mother to Ireland.

For a short time after the split, he and Jack and Willie Redmond and Tim Healy, sometimes met in my room where I was laid up from overstrain in electioneering, but the bitterness of the conflict parted us, and he died before the ranks closed up again.

Meanwhile Parnell was elected Sessional Chairman of the party that for four years he had not lead. He treated the falsehoods and the flatteries as serious assurances, took them at their face value, and settled himself down in the position to which he was elected. The clever dramatic performers were caught in the meshes of their own lying. Parnell had dodged all efforts of Gladstone to communicate with him. The subsequent publication of the Gladstone letter to Morley added nothing to the ascertained facts. The truths contained in the letter were manifest. The Party that acclaimed Parnell as its Chairman, was quite aware that if he were really to be the Chairman, the Home Rule cause was doomed. Gladstone's letter, however, gave an excuse for reconsideration and the Chairman was de-chaired. The overwhelming feeling of the Irish people was hostile and finally the Catholic Bishops issued a manifesto against him. The intervention of the Hierarchy came lamentably late. It should have been the first instead of almost the last pronouncement on the matter. According to the Catholic law, Parnell was a notorious and unrepentant public sinner in the public life of a Catholic people. It was the duty of the Bishops to say so without delay. They said so too late to prevent the scandal of the "Split." Their manifesto was dignified and sincere, but the language and conduct of the young clergy who let themselves loose in the controversy furnished a painful contrast to it. For the Parnellite position nothing could be said in reason. Parnell was the leader of a Constitutional movement whose principle was to co-operate with some friendly party in the House of Commons, until a Parliamentary majority for Home

Rule could be put together. Irish Home Rulers never numbered more than eighty-six, and never could hope to number more than eighty-seven. The House of Commons had six hundred members. An alliance with some English Party was imposed by the logic of the penny table book. The Liberal Party had embraced the Home Rule programme, had given up power as a sacrifice to their principles, and were at the moment engaged with a host of Irishmen, in popularising the Irish Cause with the electorate. The other English Party was engaged in bullying Ireland by force. Parnell's denunciation of the Liberal Alliance was dishonest and absurd, and he had no other alliance to propose. Apart from hysterics, there was nothing to be said for him. Whatever services he had rendered to her previously, he ended by making war upon his country's cause, with the unrepudiated assistance of secret societies. In the confusion that ensued, the dynamitard and the assassin again roamed the country posing as patriots.

Upon his defeat in Committee Room 15, Parnell crossed to Ireland to open his campaign. Immediately upon his arrival in Dublin he took steps to convert the policy of *United Ireland*, which had declared against him. With a number of his supporters he visited the offices of the paper in Abbey Street and turned out the members of the staff who were not in accord with him. This was not likely to do much harm to the publications of the *Nation* office, with which the Bantry clan were associated, but when Tim Healy heard of it he was very much annoyed. I accompanied him with a group of friends when he called that evening on the expelled editor, Mr. Bodkin, and exhorted him to re-assert his authority in Abbey Street. Bodkin objected that if he did such a thing he would certainly be put out again, and on the second occasion might get his head broken. I made some remark which induced him to add that if

I liked to get my head broken under such circumstances he would appoint me his deputy. My legal training did not indicate the precise powers of such deputies, but I cheerfully undertook the office and went straight down to Abbey Street with a small force. As we anticipated the premises were empty save for a watchman, who was as ignorant as I was myself of the law of delegation, so he let us in, and we proceeded to put the offices into a defensive order. Next we were reinforced by James O'Connor, then well known owing to his part in the Fenian rebellion of 1867, and we had sent in to us a dubious dozen of individuals of questionable utility. These, however, lasted only a few hours before they were bought by the enemy and induced to desert. My strategic contribution to the war situation, was to balance an open drum of printers' ink on the window sill above the hall door. Next day the defenders had all gone to lunch with the exception of James O'Connor and myself, when suddenly Abbey Street was filled with an excited mob numbering many thousands, and with them were Parnell, five or six of his M.P.s, and P.C. McGough, Solicitor to the National League. I was standing by O'Connor at one of the windows of the first floor when Parnell and his personal following ran up the steps and started battering at the stout hall door. To my surprise, O'Connor went down to the hall, and turned the handle of the door, allowing it to open to the extent of the two chains that held it. I was too late to prevent him. He seemed to think he could reason with Parnell behind whom the mob now surged up the steps. The reasoning did not accomplish much but the chains held, and the next episode was that P.C. McGough, at the order of Parnell, stepped forward and read to the pair of us "Counsel's opinion" under the hand of John F. Moriarty, advising that Parnell was entitled to throw us out, "using no more force than was necessary." This on the Parnellite side of the door

produced no more impression than the lay opinion at the anti-Parnellite side, and I thought that my drum of printers' ink might elucidate matters, if only I could get O'Connor to come away. The end came suddenly. Some of the mob had torn up the street railings, leaped into the area, and broken down the basement door. Hundreds rushed up the front steps. The chains gave way and the edge of the door knocked O'Connor senseless into the middle of the hall, while the door swung back and imprisoned me in absolute safety in the corner behind it. The mob that came in by the door and the mob that came up from the basement met in the hall and beat one another for a considerable period before they persuaded themselves that they were friends and brothers. When things calmed down I emerged from my retreat. Nobody took any notice of me and I went ingloriously home.

Upon the final fall of United Ireland the *Nation* office became the propaganda centre of anti-Parnellism. Mr. Bodkin in person purported to be editor of a journal entitled *Suppressed United Ireland*. This was restrained by an injunction of the Vice-Chancellor. There was substituted for it a campaign sheet entitled *Insuppressible*. As Bodkin rejected all the best contributions on the ground that they would grieve William O'Brien whom he represented, a subscription list was opened to send him to Boulogne, where Parnell was amusing himself fooling O'Brien. Upon the departure of the "editor" *Insuppressible* was produced by a literary commune. Everybody wrote what he liked and sent it up to the printers, the best and wittiest paragraphs being contributed by Tim Healy. It was a really effective war measure but its tone was hardly in keeping with the traditions of the *Nation* office, where my father had been succeeded by his brother, T. D. S. What would have distressed my father most was the crop of printers' errors, and mistakes in mixing up sections of

different matter. There was a legend in the office that the discovery of such things in his time resulted in the peremptory dismissal of one half of the staff, the resignation of the other half, and the ultimate reconciliation of everybody. There was only one occasion to be remembered when that had not happened. There was issued for a short period about the time of the Franco-Prussian War, a daily paper called *The Morning News*. It did not compete in foreign news with any great journal, but it had a "Special Correspondent" with the French forces, to whose aid an Irish Ambulance had been despatched. Three days later than the dreadful event *The Morning News* printed an account of the Battle of Gravelotte. The horror of the scene was vividly depicted, but the reader might or might not be relieved with the assurance that: "at this juncture there arrived the new fire engine provided for the city by the enterprise and foresight of the waterworks committee under the presidency of our distinguished Alderman Peter Paul McSwiney," etc., etc., etc., and as far as could be gleaned the fire brigade extinguished the Battle of Gravelotte. Nobody waited to be dismissed. All fled. My father arrived at the empty office and managed to communicate with the "chapel." He made no complaint. Everybody drifted back without a word spoken and my uncle told me that long as my father lived after this, no one ever asked him if he had seen the enormity.

There was no time to read proofs during the production of the *Insuppressible*. There was no time for any formalities. When enough stuff could be put together, the paper was issued. It might be morning or evening, at one, two or three days' interval. When issued it had to be distributed in spite of efforts to waylay vans and seize their contents. There was an air of battle and a whiff of piracy about the enterprise, but a few copies reached O'Brien in Boulogne, where he still was

dangled on Parnell's hook, and he sought to suppress the *Insuppressible* by his own authority. It was clear that something more was needed than this belligerent sheet.

A company was formed, capital subscribed and soon we had an anti-Parnellite daily paper, *The National Press*, supplemented by its evening satellite, in whose production I was engaged.

The manager of the *National Press* was Alderman John Hooper, who for many years had guided the affairs of the *Cork Herald*, until misfortune deprived Munster of that journal. He was extremely kind to me, and he taught me that facility in writing is not enough to make a man a journalist, and he made me learn a good deal about the more material considerations of newspaper organisation. In the course of his lessons he sometimes chatted of his own difficulties. One evening I found him obviously depressed. He said he had promised to find somebody to lend a hand to the staff of the daily paper. He had quite forgotten the section of the staff that was short-handed, but he asked me to report to the editor, and ascertain whether I could be of assistance, to which of course I agreed. He then revealed the cause of his low spirits. A friend of his had called into the Alderman's office, as one might say, on business and pleasure. He was a glass insurance canvasser, and the *National Press* offices might well deserve his attention. They had been a factory building, with large floor space on each story lighted only from the front. When converted into a newspaper office, each floor was divided into six or eight rooms, opening off a passage all divided by glass partitions in order to light the inner suites. There appeared to have been acres of glass, and the glib canvasser had somehow or other convinced John Hooper that the stability of glass partitions in a newspaper office was some incalculable percentage lower than that of similar equipment

in a public-house. At all events, a contract for the insurance of this glass office had been given, and on the evening in question the Directors of the Company had been making unpleasant observations, about the amount that had been paid for the premium, and the uselessness of the expenditure in a peaceful and well-conducted office like ours. I sympathised with the Alderman, promised to give valuable assistance to the night staff, and went off to my dinner.

Assisting a night staff is a lost art. I never got very far in it myself. The editor refused to listen to any of my stories, and sent me to consult the leader writers. One was Mathias McD. Bodkin, M.P., on whose behalf I had provoked the riot at the offices of *United Ireland*. By way of assisting him I pointed out three mistakes in spelling in one page of his manuscript, recited an complimentary verse about himself composed by Dick Meredith (Master of the Rolls), and then revealed my mission. He had no use for me. I, therefore, went into the sub-editors' room to offer my services to them. On the whole, I was well received. It is much harder for a number of people to decline proffered assistance than it is for one, and I managed to establish myself on a corner of the big table, upsetting a paste pot, but correcting the result with a bunch of flimsies that I replaced on the file. None of the sub-editors had really loud voices, so I was doing rather well as a raconteur, when there came an appalling noise. I was thrown off the table on to my feet, and one of the sub-editors subsided slowly backwards until he struck the floor, a warning against sitting in a tilted chair. A shower of scintillating dust represented our glass partitions. There ensued a long pause during which the victim on the floor picked himself up, picked up his chair, seated himself back again, and took up his flimsies. Looking around at the rest of us, he broke the silence by remarking, "Begor! we're blown up." Investigation

verified his diagnosis. Some Parnellite statesman who disapproved of the political opinions of the newspaper, had resorted to the standardised argument of secret societies in Ireland, and had thrown a large bomb that was intended to pass through a basement window, traverse a passage, and explode against the main wall. Fortunately it struck either the railing or the window sill outside, did surprisingly little damage to our premises, but blew out all the windows on the opposite side of the street for a couple of hundred yards. We set to work to tell one another all about it (having no listeners whatsoever), and were engaged in this futility when in our midst there appeared the radiant figure of the happiest man on earth ; his name was John Hooper.

Shortly after my arrival in the office one morning, my stoneman entered my room and announced that Parnell had died the previous night. He was quite certain about it, though his only source of information was a dirty piece of paper found in his letter-box. I put the news in a "fudge box" in the middle of the front page of the morning paper as it was saddled on the machine, and had a placard set—then came to a halt. The relations between Parnell and the *National Press* were such that I did not dare to make my "scoop" until I had some corroboration of the news. I could have had it instantly if I had not fallen into a strange psychological fallacy. I went out, rubbed up against a rival journalist, found that his staff knew nothing. I had a friend on the Post Office telegraphic staff, I found they knew nothing. I called in to the National League offices on the pretence of business with Tim Harrington—he knew nothing. I saw Dr. Joe Kenny and Val Dillon—they knew nothing. Of course I never breathed a word of the rumour to any of these. Finally I wired our London correspondent to see Parnell personally at all costs and ascertain if he would address any meetings next week.

Awaiting reply, I had my own paper set, and I put everybody to work writing up the life of Parnell. I knew he was dead, but I did not dare to publish it until a telegram came from Brighton, "Parnell died here last night." Then I let the machines loose, and everybody knew. I lost three hours because I knew too much about Parnell. I knew he had a sister in Dublin, but I knew that he held no communication with her, and all my clever enquiries were upon the unconscious basis that the Chief would telegraph the news of his departure from this world to the men who were his dearest friends. It never occurred to me that the survivors around his bed, might instantly notify all his relatives without exception. In fact, the telegram to his sister was the last message received by the night staff, and its terms conveyed nothing in the Post Office. The messenger who was to deliver it was given permission to go straight off duty. He handed in his envelope in Fitzwilliam Square, but as he turned to go, he heard a voice in the hall call to someone upstairs, "Parnell is dead." The lad had sense enough to know that this was news. He was a friend of the stoneman, and he scribbled what he had heard on a scrap of paper, and slipped it into his friend's letter-box, before going home to bed. Where the scrap of paper came from was not discovered until the world was discussing the dread event.

On Good Friday, 1891, I was seated in the Cork Courthouse, listening to the trials of a number of persons, including Henry Harrison, then M.P., who afterwards won the Military Cross during the War. The traversers were indicted for riot arising out of one of the proclaimed meetings that on this occasion had been staged at Tipperary for the education of the Right Honourable John Morley. This great statesman was in the witness box, being cross-examined by Edward Carson, who with John Atkinson represented the Crown, when one of the accused interrupted the proceedings,

to inform Judge Munroe that the roof over his head appeared to be on fire. Munroe took the matter coolly, observed that it was nearly time for lunch, and adjourned the court for three-quarters of an hour to permit the fire brigade to put things right. There was no manifestations of danger, and I remained in my seat, listening to a discussion of the case carried on between Colonel Turner and Sir William Byles who were sitting beside me. Suddenly the centre of the ceiling fell, and we beat a hasty retreat. At the end of the three-quarters of an hour, the whole building was in flames, and next morning nothing was left but a blackened shell. The conflagration, of course, attracted an enormous crowd, and their cheering when the flagstaff and its flag fell into the flames was commemorated by Rudyard Kipling in excited rhymes.

Tim Healy, who was attending the assizes in the ordinary course, was dressing for dinner that evening, when one of the Tipperary men came into his room. Tim saluted him and went to shake hands, when this fellow delivered a blow that smashed Tim's glasses into one of his eyes, and laid him up for a long time. Such were the methods of political controversy over the question of Parnell's leadership. The populace regarded the burning of the courthouse as a judgment invoked by the impropriety of sitting on Good Friday, for which the Lord Chief Justice was responsible. "Since Pontius Pilate no judge dare do it, but Pether," they said. When the courthouse was rebuilt, it was opened at the Spring Assizes, 1895, and I spent Good Friday there as a junior in a celebrated case about the contract for the municipal buildings. The case was confused with politics, bricks, fraud, ventilating shafts and foundations, and it occupied the whole of Holy Week before the ultra pious Mr. Justice O'Brien and a special jury. It resulted in a verdict as incomprehensible as the case itself, but the courthouse did not go on fire this time.

CHAPTER III

A BARRISTER-AT-LAW

IN the summer of 1892, I was called to the bar, and entered upon the happiest career that was open to an Irishman. The position of a "counsellor" as the Munster people always termed him, was one of real privilege. Law is a subject peculiarly attractive to the Southern mind. In the cottage the litigation of the country was criticised as a local football match would be discussed in England. The Counsellor who won big cases, was as popular a figure on his circuit as the leading jockey might be on an English racecourse. Every man in the province was his friend. Above all the career of a clansman was watched with extraordinary sympathy, and as I wandered down a river with my rod, or tramped a moor with my dog and gun, I often found people of my father's countryside, with a much better recollection of my professional activities than I had myself.

The impersonal position of the advocate was thoroughly appreciated. The litigant whom you had bitterly cross-examined and whom you had beaten would waylay you outside the court to tell you of a great covey of partridges that were "resorting" his farm, or to assure you that with a bit of water in the river you'd be sure to find a salmon in his pool.

The Lord Chancellor who called me was Ashbourne. He had never had any practice at the bar worth speaking about, and he had no taste for reading law, but he was invaluable as a president of the Court of Appeal. He was one of the shrewdest observers, and he ballasted the bench with an unlimited fund of good common sense.

He was thus an effective antidote against the danger that logic chopping might separate law from reason.

The Lord Chief Justice was Sir Peter O'Brien. He didn't like the title that introduced his Christian name. Everyone called him "Pether." He later acquired a Peerage and he became "Baron O'Brien of Kilfenora in the County of Clare." It was no use. Everybody contrived still to call him "Pether," and so he lived and died. As a pupil of Palles he learned the principles of the Common Law and he had ability if he chose to use it. He rarely did. He assumed the attitude that his office was much beneath his merits, and that the discharge of its duties would be demeaning to him.

"Pether's" ambition was to be accepted as a distinguished sportsman. Litigation about horses was common in a country where every farmer tries to breed a good hunter, and the moment a horse galloped or limped into a case the Lord Chief Justice spread himself, as may be seen in the official report of the judgment on point law of the Divisional Court of King's Bench, in *Barrett v. Irvine*, 1907, 2 I.R. 462, dismissing an action brought by a horse dealer against the foolish mother of a very spoiled youth. The circumstances may be imagined. It would take too long to relate the history of an infant horse coper, who wiped away all stains by his conduct on the battlefield.

To what heights this sporting jurist might have risen one cannot tell. He was crippled by fear of reviving the following account, as told by his counsel, the great Lord Justice, Gerald Fitzgibbon, of an action brought against him in earlier days alleging that he was a Master of Hounds.

At times there might be seen a "pack of hounds," or at very least a collection of dogs in the village of Kilfenora, where Pether in a pink coat on horseback exercised jurisdiction over them. One dreadful week

there came into the village a string of farmers from the neighbouring hills complaining that these dogs had devoured unheard of quantities of sheep. That the brutes had been absent from Kilfenora on a holiday had been thankfully noted by the inhabitants. What kept them away was now apparent.

A test action was brought against the ostensible proprietor of the pack, the Plaintiff proving that Pether called himself Master of the Hounds, and so demeaned himself. The defendant alleged that he was not the owner of the dogs, as defined by the statute, as he neither housed nor fed them. The citizens of Kilfenora reluctantly proved this allegation. These beasts resided in the stables, cartsheds, piggeries, holes and corners of the hamlet, from which they oozed forth when Pether's groom blew a horn in the main street. The Master of the workhouse proved that when the paupers had dined he rang the workhouse bell, whereupon the dogs ceased efforts to steal scraps in the neighbourhood of their lodgings, assembled at the workhouse gate and there had cast to them the leavings of the meal. Fitzgibbon's advocacy and these facts won the case, but in later years, when the Lord Chief Justice was tempted to refer to his hunting days, he regretted that he had not paid for the mutton.

Another feature of "Pether's" judicial career was the extraordinary effect that he allowed to be produced upon him by a pretty girl. His conduct was often ludicrous. He treated a pretty girl as conclusive or nearly conclusive evidence in favour of the party whose witness she might be, and on one occasion when he was compelled to decide in favour of a client of mine against whom two charming but irrelevant beauties had been paraded, he actually suggested that money that had been lodged in court by my clients should be divided between these young ladies, and he was very indignant when I objected.

In the County of Limerick, there used to practise a native genius, who had he come earlier to the bar would have made a lasting name. He had, however, spent a long life as a village schoolmaster before he joined our circuit. "Pether" loved him, and he played up to "Pether" with consummate ability. In a hopeless case at one assizes he put into the witness box as his last reserve a supremely pretty girl. "Pether" beamed upon her, but catching the eye of a cynical bystander, his Lordship somewhat quailed.

"Mr. Kelly," he said, "Mr. Kelly, this will not do. This will not do, Mr. Kelly. I don't mind admitting that there may have been occasions when testimony of this kind might have affected me, but that is a long time ago, Mr. Kelly. I am now an extinct volcano."

This was extremely disconcerting to Paddy Kelly, who found no ready reply to make, but he noticed that Pether, notwithstanding the protest, had commenced to ogle the girl, and the more she blushed, the more ardent Pether showed himself.

"I dinnow, me Lord," said Paddy in his broad brogue, "but there might be a few rumbles in the old crater yit."

Pether was delighted, and adjudged accordingly.

At the same Assizes, Pether one evening was very anxious to get away from court to keep a dinner engagement. Without compunction, therefore, he settled down to dismiss the remaining County Court Appeals without paying any attention to them.

"Do you expect me to believe this story," he said to each witness produced by the Plaintiff in the last case. "Go down, there is no need to have you cross-examined." Witness after witness was insulted in like manner. At last Pether lifted his eyes from a letter he was writing and saw a huge man being sworn. With tears in his voice, the Chief Justice turned to the counsel for the Plaintiff.

"Why do you thrust this great creature before me ?

Do you think that I will believe one word that he is going to say? Look at him. Perjury is stamped upon his brow."

Counsel on the other side most unluckily intervened.

"Oh, my Lord," said he, "this is my client, the Defendant."

Pether was furious. "So this is the Defendant?" he said. "Very well, I will decree him for twenty pounds."



"BUT NO ONE GIVES A DAMN FOR THIS COURT!"
Palles laments the absence of counsel.

Off went Pether to his dinner. The poor Defendant had no redress.

In the Court of Exchequer presided Christopher Palles, the Lord Chief Baron, a simple unassuming Irish gentleman whose name will live in the history of jurisprudence "while fame hath a trumpet and breath to blow therein." His service to the development of the common law extended far beyond the range of the jurisdiction of his court. He loved justice and he had an abounding faith in the capacity of the Common Law to achieve justice. Where there was a wrong the Chief Baron would lay down the principles upon which a remedy might be founded. He knew and respected

precedents but he was never daunted by novelty of circumstance. As far as his erudition and experience afforded defence, he protected the subject against the Crown, and still more protected the subject against the injustices of the "small courts." Prerogative writs are most unusual in England, and Crown Practice in *certiorari* and *mandamus* is becoming obsolete owing to the excellence of the inferior courts. In Ireland, the magistrates were utterly unfit for judicial functions, and an Irish Practitioner required to be familiar with all the technicalities which affected the right of justices to make orders. The Crown side of the courts was always a busy side, and in this work the mind of Palles was predominant. In addition, he had patience and good humour and sympathy for the young man who practised before him. He was too great a man to be prejudiced in favour of his own opinion. He thought it no dishonour to confess that his impressions had been wrong. Nevertheless, he appreciated how interruptions of counsel prejudice a case. "A judge should keep his mouth shut and his mind open ; when he opens his mouth he shuts his mind," was a precept which in his early days he printed and put on the desk in front of him. He loved to help on young men of promise, and he well knew how to help by guidance and encouragement. No man ever so won reverence for his genius and affection for his humanity.

Sir Andrew Porter, the Master of the Rolls, was a fine lawyer of noble presence and of true dignity. Disturbance of the decorum of his court caused him extreme annoyance, and an interruption of a judgment meant severe chastisement for the offender. There arose before him in a dispute about some property a controversy as to the meaning of a somewhat complicated will. When the arguments closed, the Rolls gathered before him the necessary books and papers and commenced to deliver his judgment. He read the will and recounted the

events that had caused the present complication. "Now I am perfectly certain," he continued "that under these circumstances, the testator intended his farm to go to his nephew James." "Indeed he did not, me Lord," said a voice in the back of the court. "Bring that man forward," commanded Porter, and the delinquent was escorted to the table by the attendant policeman. "Who are you, sir?" asked Porter. "Please, me Lord, I'm the testator and never intended James to have the farm," explained the culprit. His statement proved to be true. He had gone away years previously to Australia, and had never written home. Under these circumstances, he had been presumed to be dead, and his relatives had commenced to litigate about his property.

I was often amazed in my professional experience at the result of such litigation, in revealing the whereabouts of missing people. No matter where an Irishman may be, he seems certain to hear and to hear quickly any news that affects "the land" in which he is interested. The cases in which I have taken part where emigrants have left good positions, and well paid employment in America to come home to claim an undivided share of a worthless patch of land, must have numbered dozens, and owing to the miserable history of Irish emigration, cases of presuming the death and distributing the assets of living men were not rare.

In the Court of the Master of the Rolls, a wizened little man discharged the duty of crier until lunch, called the first case after lunch, then went to sleep. In those days, Stephen Ronan led the Chancery Bar, and Stevie had the dreadful habit in all courts of cross-examining a witness, by turning his back to the person addressed, and viciously shouting his queries into the back of the court. Porter was presiding with splendid dignity over a trial in which this sort of cross-examination was being conducted, and Ronan, having involved a

witness in a dilemma, was triumphantly shouting, "Come, sir, do you believe that?" when the wizened little man woke up. Ronan sternly repeated the question, into the astonished crier's face.



STEPHEN RONAN CROSS-EXAMINING.

"Believe what, Mister Ronan?" he said, and I am sorry to add, Porter dismissed him.

Ireland in her history, possessed only one Vice-Chancellor—Hedges Eyre Chatterton. He did not like young men, or any other men except Cork men. The

Munster brogue was intelligible to him, but when he was addressed in a Belfast accent, he found some equitable doctrine to discourage it. I remember a bad break by an advocate before the old Vice. Counsel was opening an action brought to set aside a settlement. "The



THE RIGHT HON. H. E. CHATTERTON, VICE-CHANCELLOR.

settler, my Lord, had attained the great age of seventy-eight years, and had therefore reached that time of life when not only are the physical activities impaired, but as we all know, the mental faculties are clouded by decay." "I reached the age of seventy-eight myself last week," said the Vice.

Many years ago there was a member of the English and Irish bars who was a man of gigantic stature, violent habits, and unbalanced mind. Other than in respect

of his muscle he was not in active practice, but he appeared (unassisted by the harmless necessary solicitor) to defend a near relative in the Vice-Chancellor's court. Beyond a large blackthorn stick, he was armed with no authorities, but he made a long rambling speech which eventually came to an end.

"It is perfectly plain," said Chatterton, "what order I should make in this case."

"My Lord," interrupted the giant.

"What do you want to say?"

"I want to say, my Lord, that you may make any bloody order you like."

The Vice-Chancellor turned blue: "Crier!" he exclaimed. The large lunatic took up his stick and looked round the court. Providentially the crier was absent—he was very small and very old.

"My Lord," announced the large one, "the crier does not appear to be attending to his duties."

"Officer," gasped the judge.

"My Lord," said his exasperator, "I see no constable, but there is one in the hall—I will go and fetch him." He walked out and returned no more, and Chatterton resigned.

There was a bitter pill named Warren, who was President of the Probate, Admiralty, and Divorce court. It was said that he induced his predecessor to retire by purchasing his library at an enormous price. He had been a Law Officer, and was in Parliament for a short time, where he made only one speech that was fatal to him through little fault of his own. He was a dismal puritan, but aspired to be a humorist, and he propounded to the House some problem in the form of an enigma. Unfortunately, he made a verbal slip in one of his factors that caused an unseemly misapprehension. A bibulous Scotsman wakened up just at that moment and quenched Warren for ever by enquiring: "Musther Speaker, is this mon asking dairty reedles."



A DIVISIONAL COURT

GIBSON

PALLES

BOYD

The Lords Justices of Appeal were Gerald Fitzgibbon and Charlie Barry. Fitzgibbon was a most brilliant and delightful judge. His versatility and the rapidity of the play of his great mind made practice before him an intellectual treat.

Fitzgibbon's powers of dialectic were the envy not only of the Bar but of the Bench. I heard him once interrupt Ronan with a most dogmatic statement of a legal proposition.

"I will answer your Lordship," said Ronan "by citing a most learned Judge," and he opened a book and read a passage in direct contradiction of what Fitzgibbon had said.

"What are you citing?" asked Fitz.

"I am citing your Lordship's judgment in Blank versus Blank——"

"Let me look at it."

In the pause that ensued, the Lord Chancellor (Walker) unconsciously vocalised his mental concept, and admiringly and audibly ejaculated:

"Now watch how he will wriggle out of that."

In my time all that was left of Charlie Barry was a ruin with which was associated the legends of what had promised to be the great career of a great man. He took little part in the proceedings of the bench, whose other members he sadly inconvenienced by his habit of going off to "The Dolphin" for lunch, and taking an unconscionable time to come back. Ashbourne and Fitzgibbon sought to shame him into punctuality by coming out on the bench and waiting there for him. He did not mind. One day after a long delay Ashbourne broke silence, "While we are awaiting our brother Barry, Mr. Price, don't you think you might go on with the irrelevant portions of your argument?"

"Certainly, my Lord," was the reply.

The puisne judges of the King's Bench Division formed rather a strange mixture. The senior group embraced

Johnston, Andrews, William O'Brien, Harrison, and Murphy. Harrison slept peacefully through all my three or four years' experiences of him, so I do not know what he was like except in appearance.

Andrews was the best Common Lawyer in Ireland, except the Chief Baron. He was very small and terribly slow. When discharging his duties he was visible as to his spectacles, his forehead and his wig. The rest was below the level of his desk. He insisted on writing down in longhand every word of evidence given before him, so the smallest case took days and cross-examination was impossible. He was one of the very few Irish Judges who tried a prisoner fairly, and his courtesy to the dock must have misled a good many of its occupants as to the sentences they might receive. I was present when two men were put forward for sentence at a Cork Assizes.

"Are these Murphy and Shaughnessy?" enquired the wee judge in his thin Northern accent.

"They are, my Lord," said the Warder.

"Which of you is Murphy, please?"

"I am, my Lord," from the dock.

"Thank you, Mr. Murphy. Ten years' penal servitude, Murphy, and I think eight years will be enough for Shaughnessy." Shaughnessy did not contradict.

William O'Brien was a disgrace to the bench. He was a dishonest partisan who brought the administration of justice into contempt. He hated the people whose political favours he had unsuccessfully sought, and he used his position on the bench to wage war upon those whom he disliked. He fastened himself for years on the Munster Circuit. He sat as the ultimate Court of Appeal in the County Court cases, assizes after assizes at Tralee.

Beneath the bench sat a well known land agent. In agrarian cases he was called nominally as a witness and consulted as to what he would like done "in the

interests of law and order," and regardless of law or justice it was done.

More than once a stripling junior in public court expressed to his face his opinion of O'Brien's conduct. He did not dare to punish comments, for he did not dare to call attention to behaviour that provoked them. By way of counterpoise, he went to Mass every morning, he starved himself and fed the poor, and he shivered in threadbare garments while he clothed the naked.

The following episode resulted thirty years later in the hero being made the Lord Chancellor of Ireland. Mr. Justice O'Brien, having consulted with the agent, determined to deprive a family of their farm. He proceeded to comment on the fact that counsel for the rightful owner had cited a number of authorities that appeared to be conclusive in his favour, "But I think that there is a reason for which these cases can be distinguished."

"I know the reason," interrupted Counsel. "It is because there is no appeal from your order, and you can do injustice with impunity."

This was so clearly true that a denial would have provoked an outburst of derision from the whole bar! The judge, moreover, had a superstitious disinclination for telling a plain and obvious falsehood. He could not afford to call attention to his disgraceful performance, either by a committal or by complaint to the Bar Council, who would probably have endorsed the expression of the advocate.

"They used to say," said he, "that your ould father was the most impudent man in Cork, but you're worse than him," and he continued his judgment.

At the bar also he used to counter-attack rather than deny accusations. He never read his briefs. He conducted what cases he had in the most haphazard style.

One of his patrons was Jeremiah Blake, the senior partner of a well-known firm of Cork solicitors. "Miah,"

as he was called, sent William O'Brien a brief in a probate case. William forgot all about it until called to a consultation. He sought to conceal his neglect by assuming an air of instructiveness, and glancing at the index to the brief he commenced :

"I think this is a reasonably clear case, but we must be careful how we conduct it. Our first witness should be Robert Taylor."

"You can't call him," said Miah.

"Why not?"

"Because he was the Testator and he is dead."

"Oh, you know very well I meant to say our first witness should be Edward Tierney."

"Yes," said Miah, "he is my clerk who served the subpœnas."

Two bloomers running were very unfortunate.

There was an awkward pause.

"Mr. O'Brien," said Miah. "You have not read one line of your brief."

"And why should I read your brief?" roared William. "A pack of lies—a pack of lies."

Crown solicitors of adjoining counties had to attend wherever the Winter Assizes were held, and "stand by" the jurors. A county panel represents a small community, and in his own county a Crown solicitor may know almost personally the proclivities of each juror, but in a strange place there was one invariable rule to guide him; every man with a native Irish name was to be treated as a Nationalist extremist—every man with an English or Scotch name was to be admitted to the jury box. Dick Adams was prosecuting in Cork in a Kerry case, and Charlie Morphy, Crown solicitor, was looking after the jury. The Clerk of the Crown, Standish O'Grady, drawing a ticket in the ballot, called out, "Michael Joseph O'Sullivan, of Blarney Lane," who in fact was the juror who thought that these were no times to be bothering about evidence.

Before the solicitor for the accused can utter a sound, Charlie Morphy cries, "stand by"—to his mind "Michael Joseph O'Sullivan of Blarney Lane" reeks of Fenianism, whether in relation to his Christian name or surname, or in association with the locality of his address.

"Musther Adams," said the judge, in his exaggerated brogue, "Musther Adams, what is that, that I hear?"

"The Crown orders the juror to stand by," elaborated Charlie Morphy, with great gusto, beaming at the bench in expectation of cordial approval.

"Musther Adams, *did you hear that?*"

"I did, my Lord."

"Is this not Mr. Michael Joseph O'Sullivan?"

"Stand by," interrupted Morphy, believing that he was earning great fame and advancement.

"Musther Adams," roared William O', aiming his two surviving teeth at one another to lend emphasis to his remark, "I shall report to the Attorney-General, that in this courthouse I have heard insult offered to the worthy representative of one of the oldest and most respected Catholic families in this ancient city."

"My Lord, there was a mistake."

"I cannot accept such casual explanation of what appears to me a preconceived outrage of malice and incompetence."

"It was really a mistake, my Lord, my friend Mr. Morphy, assures me he was not aware of the identity of the juror, and he sincerely regrets the error."

"It may indeed be the error of gross and Boetian stupidity—I will accept it as such for this occasion only—very well, it was a mistake—let the juror be sworn."

"My Lord——"

"Musther Adams, there has been enough contumely about this matther."

"My Lord, the juror having been ordered to 'stand

by,' I fear there is no precedent admitting him to be sworn until the panel is perused."

"In that case let him stand by, but I shall certainly not refrain from informing the Attorney-General, of the pain and shock inflicted on the loyal citizens of Cork by this unprecedented display of unworthy discrimination against a personal friend of my own."

Except in agrarian cases William O's sentences were farcical, even as pronounced, and the spoken word frequently appeared upon the Crown Book discounted by eighty per cent. He was especially subject to fits of sentimentality. Two young men were indicted before him for the manslaughter of their father. They were defended by Adams. Called upon to plead the younger first said, "not guilty." The elder man said nothing. Again and again he was asked guilty or not guilty. At last he raised his head, "My Lord," he said, "I am told that there is little evidence against me, but that if I say 'not guilty,' this boy beside me, may be convicted. He is innocent, my Lord. I am guilty. I won't risk his life's happiness to let myself escape."

There was a long silence.

The judge asked why the Crown Counsel hesitated to take "the course that the requirements of justice demanded." The real answer was that the Crown Counsel knew his business, but eventually he was bullied by the judge into entering a *Nolle Prosequi*. Then William O' spread himself. The crime to which a plea of guilty had been entered was of all, save wilful and deliberate murder, the most dreadful known to human sinfulness. Outraged nature demanded that for parricide a terrible vengeance should be taken, but the solemn duty of a judge required that account be taken of the passionate impulse of frenzied man, often overwhelming a kindly and generous character. If the prisoner had slain a father in a moment of rage, he had saved a brother's life by the deliberate sacrifice of noble

compunction. The sentence of the court would be that he be imprisoned for six months.

Adams dined with the judges that night and over the port William discoursed on the natural and unsophisticated genius of the Munster peasant. "I was never so struck by it," said he, "as when to-day I listened to the simple and untutored eloquence that that young man poured forth without the smallest effort."

"I wish," said Adams, "you knew the effort it cost me to teach him that speech in the cells last night."

William O'Brien spent his life in trying to make jokes, and he succeeded in perpetrating two. There was in Dublin a street of disorderly houses notoriously maintained in connivance with the authorities in open violation of the law. There came before William O' an action of ejectment to recover possession of one of these houses, and the proprietress of the establishment appeared, and claimed a set-off for monies spent in improvements and decorations. "Musther Cherry," said the judge to the Plaintiff's counsel, "this poor woman appears to have spent a lot of money on your old house; she has no legal claim, perhaps, but your clients should consider whether they ought not to make her some allowance."

"I will convey your Lordship's opinion to my clients," said Cherry, "but I fear that they are only trustees; in fact, I believe they are trustees of a charity."

"Oho, Musther Cherry," ejaculated the judge, "that, indeed, must be charity that covers the multitude of sins."

On another occasion when Adams, who was an irrepressible joker, was prosecuting in Cork, the judge enquired into the antecedents of a convicted prisoner.

"Little is known about him," said Adams. "He appears to travel around to fairs giving performances. He is a sort of mountebank."

“A mountebank, Musther Adams, and what is he doing here? There is no vacancy in this court.”

O'Brien had a crier named Ford. Ford was the judge's familiar. He was crier, scout, valet and factotum to his master, over whom he exercised an extraordinary dominion. He was the recognised channel for communications which the judge wished to convey unofficially. One of the strangest crimes of the last fifty years, was the Castletownroche murders. The son of the family wished to marry a girl. The family refused consent on the ground that her fortune was fifty or a hundred pounds less than should be paid to them. At first there was a row, but after a short time the son spread abroad the news that everything was settled, his people had come to terms and they were going away, first to England, then to New Zealand. They disappeared as expected, and the son, left alone on the farm, married the girl. From time to time he gave to his neighbours news of his people. Then they ceased to send him letters and they were forgotten. He sold the farm in a short time, emigrated himself to New Zealand, and became Mayor of a town. Years afterwards, the bodies of his sisters, brothers, and mother were found in a disused well. He was brought home, tried and executed. His wife's brother was then put on trial for his life for complicity in the tragedy, and the accused was defended by Dick Adams and Denis Sullivan, the two best men for the task that the bar could furnish. They came into court on the third day of the trial to open the defence which it was intended to substantiate by a number of witnesses. A minute before the Judge (O'Brien) came upon the bench, Ford came out of his room, went direct to the counsel for the prisoner and said, “Mr. Adams, of course you are calling no witnesses.” Both Adams and my uncle were astounded. They were prepared with most important evidence, but if they took a course in defiance of the

judge's advice, he was unscrupulous enough to make that course fatal. O'Brien was on the bench before the two counsel could confer. They asked him to retire for a quarter-of-an-hour, held a consultation, and resolved against their own judgment to comply with the suggestion conveyed by Ford. They called no evidence. Adams addressed the jury. The Crown replied, "William O'" commenced his summing up by assuring the jury that if the prisoner was not guilty, he could have called a number of witnesses to prove his innocence. The rest of his summing up was in similar strain, an appeal for a conviction. The jury retired. Adams rushed out of court almost insane. Denis Sullivan followed little better. Both believed they had been trapped by the judge, and they hysterically debated what could possibly be done if the prisoner was convicted. O'Brien would, of course, repudiate Ford. Two hours of agony passed. Two men with blanched faces staggered to the counsels' bench to hear the verdict—"Not Guilty." They waited till the court cleared, then passed out. At the door stood Ford. Adams leaped at him, and would have choked him, had Ford not dodged the attack. "You fiendish blackguard," yelled Adams, "what do you mean by telling us to call no witnesses." "You ought to know, Mr. Adams," said Ford, with great dignity, "that I can't abide perjury."

Mr. Justice Murphy not infrequently came the Circuit of which one of his sons was the excellent secretary. There arise occasions under such circumstances when the judicial and paternal feelings are likely to clash. One day in Cork there was an extraordinary collapse of a group of cases that were expected to occupy a long time, and the learned Judge ordered the East Riding County Court Appeals to be called on. No one concerned appeared to be in attendance. The first case called. No answer. "Strike it out," commanded his Lordship. No solicitor or counsel was ready in the

second; "Strike it out." The third; "Strike it out." The tenth, "Shea against O'Keefe;" "Strike it out."

"Wha-a-at?" screamed a red-headed man in the most remote corner of the big court, "Strike out me case, and me having your own son hired in it!"

This was a disgusting way to put the matter, but his Lordship apparently did not catch it. "Come forward, sir," said he, "if you have any application to make."

The red-headed man, stumbled, banged, clattered and tramped until he reached the witness-box.

"You have some application to make, my good man," said the judge, seeking to transfer the proceedings into a minor key.

"I'm telling you," roared the litigant, "I have your own son hired, and he's not here."

"You tell me," translated the embarrassed parent, "that you have retained counsel in this case."

"'Tis your own son I hired."

"And he is probably engaged in the other court."

"He's not, but he's not here."

"Under these exceptional circumstances the case may stand for second calling."

Johnston was a monument of kindness and stupidity. He was universally known as Wooden-headed Billy. One morning he came into the Divisional Court with his hand bandaged. "My dear Johnston," exclaimed the Chief Baron, "what has happened to you? Nothing serious, I trust." "Oh, no, thank you," replied the judge. "Very painful but not serious. Merely a splinter under my finger nail."

"He's been scratching his head," audibly observed Johnny Moriarty.

The modern barrister who peruses the Corrupt Practices Act of '82 must wonder what was meant by the corrupt withdrawal of candidature.

In the good old days when votes were few and vendible

it was an affair of practical politics though now almost inconceivable. When Johnson, then Attorney-General, contested Mallow as a Liberal, Johnny Moriarty, then a young barrister, impudently went forward as an "Independent," contenting himself with buying up half a score of the cheapest electors. He had judged well, and eventually Johnston had to acquire the lot off the original purchaser, and Johnny was appointed to some lucrative Crown Prosecution. The details of the transaction must have distressed Johnston, and Johnny frequently boasted of, and displayed, his power to misbehave himself with impunity in trials before his old chief.

I was propounding a will "in solemn form" before Johnson and a jury with Johnny opposing me. The opposition contended that the testator could not have been of sound mind, memory and understanding because when roused on the arrival of his solicitor who was an old friend, he had indignantly enquired, "Who are you, sir, who are you, sir?" In summing up the wooden-headed Judge was extremely severe upon counsel who addressed such arguments to an unsuspecting jury. "When roused from slumber," said His Lordship modestly, "the most brilliant and erudite intellects may be momentarily confused. I myself remember on one occasion being suddenly awakened and turning to the good lady beside me I exclaimed, "Who are you, madam, who are you?" "You did," said Johnny, "and who was she?"

That Mallow election was a great affliction to poor Johnson. On his return to the House of Commons he wrote to one of his agents :

" My dear Nunan,

" You have forgotten to send me an account of the five hundred pounds I handed you the Monday before the Poll."

To which his dear Nunan cryptically replied :

" My dear Attorney-General,

" If you really want to know what I did with that five hundred pounds I will tell you."

The correspondence then ceased.

Johnson was the most obstinate man that I ever met during my lifetime. On one occasion he pronounced a judgment in Court in favour of a Defendant for whom I appeared, adding that he would draw up the order himself and he would like counsel on each side to initial it. Now one of the proverbial characteristics of a Munster man is that, without reading it, he will sign anything that has not a Bill stamp on it. I therefore initialed what Johnson handed to me in the middle of another case, and so did my opponent. It turned out to be a judgment against my client at the end of a recital which showed that my client had won. We tried and failed to get the case re-entered, but Johnson said he would see us both in his chamber. At the interview he was most uncivil to both sides. He declared that no mistake had ever been discovered in any order drawn by him, that this order was perfectly right and no alteration would be permitted to be made. Having delivered this diatribe and made the pair of us counsel very unhappy he then secretly sent down his registrar with two blank cheques to indemnify each side against the costs and expenses of the proceedings. But he would not admit that he had made a mistake.

O'Brien was contemptuously jealous of Johnson and frequently flouted him on the bench. In the days of the "split" an election petition was presented against McHugh, the perennial Mayor of Sligo, whose geniality in peace was sometimes eclipsed by violence under other circumstances. The point urged on the petition was that his nomination paper named him as "Patrick A. McHugh" while the statute required that "his surname, Christian and other names" should be stated. It was clear that "A" was not a Christian name.

O'Brien and Johnson tried this great cause and Johnson proceeded to dismiss the petition. "It is said that the name Aloysius should have been inserted between Patrick and McHugh," said he, "but there is no evidence that Aloysius is one of his Christian names given him at



SIR W. M. JOHNSON.

"These railway companies are dreadfully careless. I once arrived at an assize town with nothing except pyjamas and a hair brush."—*Flanagan v. G.S.W. Railway.*

Baptism. With my knowledge of the country, I am almost sure that Aloysius was a name acquired in circumcision."—"Confirmation, Johnson, you fool," shouted his judicial brother.

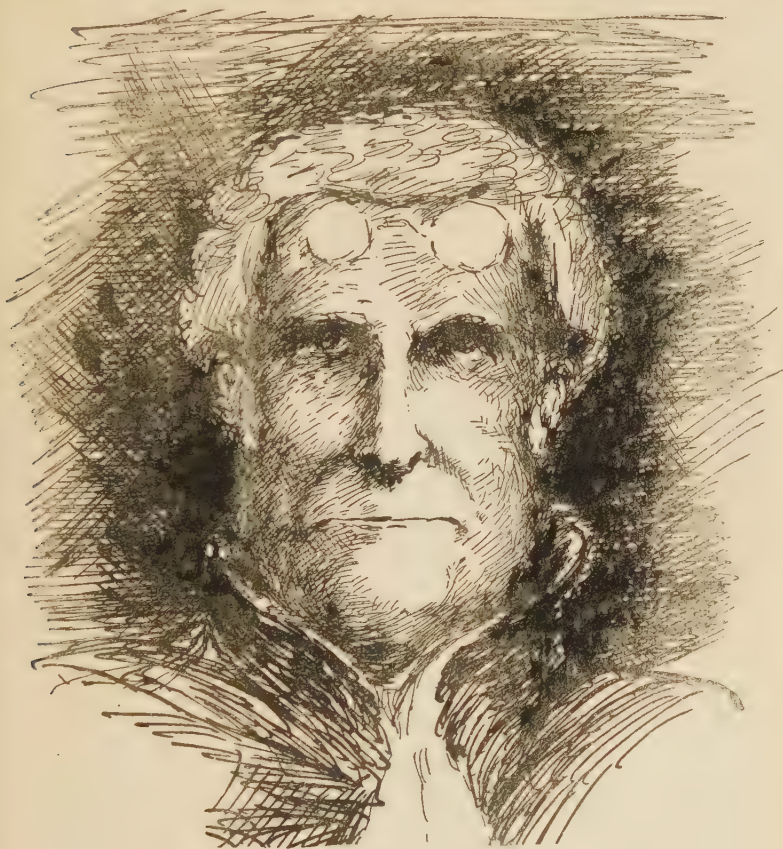
Baron Dowse was perhaps the official humorist of the Irish Bench, but I never heard him say anything to justify his reputation. I never had a case before him, and he died very shortly after my call.

Holmes, afterwards Lord Justice, was in the King's Bench, a useful combination of sound learning and good sense. He was inclined to be uncivil to the slipshod practitioner, and he made little allowance for mental equipment that moved slower than his own, which was swift and sure. He was at first greatly disliked by the bar because of his manner, which was, I think, affected by his health. I never had any personal experience of the discourtesy that at first marred his really great career. In time he mellowed even in his sufferance of fools, and the profession grew not only to be proud but to be fond of him.

John Gibson was a brother of the Lord Chancellor Ashbourne, who looked after his relations well and saw that proper public offices were provided for them. His people and his people in law held many high positions in the Courts. Ashbourne was a splendid jobber. He perpetrated his acts of family patronage with a *flair*. He raided official posts with the cheerful charm with which Daniel Drew raided the Erie Railroad. No one was ever offended. Ashbourne's jobs, moreover, had the extraordinary faculty of justifying themselves on the merits, and John Gibson was one of the best. He suffered from a defect not altogether unknown in judges elsewhere. He professed an unlimited knowledge of decided cases. He bombarded counsel with the titles of reported decisions by the score, but was quite cheerful about the reception that was generally accorded to this performance by the bar. I once rose to

address him as president of the Divisional Court, and he said :

“ Really, Serjeant, it is not worth while commencing your argument this evening. You have to open the



JOHN GIBSON.

long line of authorities commencing with Bright and Walker, and there are the cases,” citing about ten, “to say nothing of our own decisions here.”

“ My Lord,” I said, “ I shall cite only one authority which is absolutely irrelevant except for the observation of Lord Esher : ‘ This case would be a perfectly plain

case to any judge who did not confuse his mind by the consideration of a lot of other cases.'"

Gibson enjoyed it immensely.

It was unkindly said of Madden that being appointed to the Bench he sold his Law Library, "owner having no further use for the same."

"The Honourable Walter," as the bar termed, Mr. Justice Boyd, added much to the pleasure of anecdotage. He was intended by providence to be a sailor and he was in fact a fine one. No better seaman ever steered a "forty," but his jurisprudence was all his own. He carried his worship of re-action to the Bankruptcy Court, where he pined for years, but at length in the interests of economy he emerged as one of His Majesty's Justices of the King's Bench.

I was junior to my predecessor in the title, Johnny Moriarty appearing for the Defendant, in the first case that the Honourable Walter endeavoured to try at Nisi Prius. He was very much on our side—entirely too much. His summing up of the evidence would have made the hustings blush. In order to temper the violence of the judicial hurricane in my favour, I was forced to interpose not infrequently. "Of course what your Lordship says is perfectly correct, but that is not exactly the way in which we present it for the Defendant, what we say is——" and this last of the pagans would gruffly resume——"You will bear in mind what counsel says, but the iniquitous suggestion of this demented Plaintiff amounts to this. . . ." The jury found in our favour, and of course there was an appeal. I was talking to Johnny late one evening in the library when the Honourable Walter strolled in. "Hullo, boys," said he, "those fellows have appealed in that accident case on the ground of misdirection. I've just put my report of my summing up in order and they won't have much chance." Johnny screwed his monocle firmly in place. "May I look at it, Judge?" said he. "Oh, certainly,

"I've got it here," said Boyd, handing a manuscript to the King's Serjeant, who turned pale as he glanced at it. "Do you mind, Judge, if I take it home?" he said. "I've no time to read it now, but I'll give it back to you to-morrow." "Take it along," said the Judge, and we parted.

I happened to be near Johnny's desk next morning



MR. JUSTICE BOYD.

before courts opened, and the breezy sailor judge blew in for the notes of his summing up. With or without the monocle Johnny could not find them. He turned out his bag, searched his pockets, sent in to the dressing-room, took off his wig—no use.

"I can't tell where it has gone to," said the Serjeant. "I took it home last night and I copied it out myself, and I have the copy here, but I can't find the original."

"Don't bother—the copy will do well enough," said

the Honourable Walter. "Will it," beamed Johnny, "well that's all right."

We won. I never saw the original report, but I imagine that it did not bear much resemblance to Johnny's copy which certainly did not resemble the actual summing up.

One of the most dreadful experiences of my life was the defence in the Craughwell murder case. In consultation I was brought into personal contact with one of those bloody-minded maniacs, that afterwards supplied the "Generals" for the I.R.A. This madman with gloating gusto described not only in words but in actions the sickening details of this cowardly crime. I had to give up work for some weeks after the strain of conducting the case with this revolting picture before my mind. The prisoners were acquitted. I took this villain and I warned him, that if he did not put an end to the local tale of crime (there had been a series of murders) I would get him dealt with by the community regardless of what he called "British Law." In return he vowed that my shooting expeditions in Galway would be at my own risk.

He was a member of a district council, and one of his gang procured a resolution from that body congratulating me on my forensic efforts on behalf of the accused. I replied that while such cowardly crimes went unpunished no Irishman would accept congratulations about the matter. There were found two brave men on the council who endorsed my sentiments.

Shortly after this I was asked how these men might protect themselves as the scoundrel had ordered them to fly the country under threat of murder. I recognized that if they prosecuted him and sent him to gaol he would emerge as a great man, and they would be corpses, but I suggested that if they waylaid him and sent him to hospital, he would be a cripple and they would be heroes. They acted upon

this most unconstitutional opinion, and beating members of the murder gang became a popular pastime. When not in hospital, the former leader of the secret society was under police protection. He made a desperate effort to rehabilitate himself, by collecting his beaten band, waylaying a party of his opponents returning from a Nationalist meeting, and trying to shoot them. He failed, fell into the hands of his foes, and was delivered up to the authorities.

He was tried before the Honourable Walter and the trial was expected to last many days. I was, therefore, rather surprised in the middle of the second day to find the genial sailor at my desk in the library.

"Why, Judge," I said, "I thought you were locked up for a week in that Craughwell case."

"I made jolly short work of it," said he. "I soon got to the bottom of it. These fellows who were fired at were United Irish Leaguers, and they had spent months as was proved in evidence waylaying and beating the principal defendant."

"And was it proved in evidence," I asked, "that they waylaid and beat him by my advice?"

"Of course not!"

"But they did"—and I told him all about it.

"Oh, my God," groaned the eminent jurist. "Why didn't you tell me that yesterday—I'd have given them twenty years."

It is not quite correct to say that the Limerick County Jurors never convicted anyone. Before Boyd there was a girl indicted for the killing of her child, and the circumstances were such that Boyd most properly told the jury that although he could not say that in point of law there was no evidence to justify the capital charge, their own common sense should lead them to acquit the accused. The jurors were not accustomed to hear judges telling them that they should acquit the accused. Like the sailor at the sermon, they were

convinced that there was some catch in it. They retired to their room, and after a very short deliberation they came out, and returned a verdict, "Guilty of wilful murder." Boyd was really shocked and upset. "What do you mean by this?" he demanded, "wilful murder. Oh, my, my, my! dreadful! dreadful. Where's my black cap. Oh, my, my, my! Look here, my good girl; shut your ears and don't listen to one word of the rubbish I'm going to talk. Nothing is going to happen to you, but the law compels me to recite a rigmarole of nonsense."

He then put on his black cap, and as compelled by the law to do, he sentenced the girl to be hanged in a fortnight's time with all the ghastly rhetorical formula then prescribed. Just a fortnight later, when the circuit had reached Cork, the presence of the Limerick Crown Prosecutor at the dinner-table set Boyd off in a denunciation of the County of Limerick and of its inhabitants, and particularly of the twelve jurors in question. The judge had worked himself into an eloquent fury when suddenly he checked himself and turned pale.

"Oh, my God!" he exclaimed, "I forgot to report to the Lord Lieutenant to get her reprieved. The poor girl is either hanged already or she'll be hanged in the morning. They'll be trying me for murder." The old gentleman's distress ceased to be ludicrous, but it was relieved by the Crown Prosecutor, who had not forgotten to secure the girl's pardon.

Half measures were unknown to Boyd. Under the Irish practice objections to a summing up were bound to be formulated at once to the judge concerned. At the close of a particularly enthusiastic dissertation, counsel rose and said:

"I respectfully object to the portion of the charge in which your Lordship told the jury——"

"I never said anything of the kind, no one but a fool would say that."

"I am sure it was by inadvertence, but I took it

down in shorthand and my friend agrees that your Lordship actually said——”

“All right,” said Boyd. “If I said it, I’ll stick to it.”

It was not unusual in criminal cases in Munster, that in the interval between the magisterial proceedings and the trial the friends of the prisoner would interview the Crown witnesses and procure a very substantial modification of the evidence. Boyd was so deaf that he found it convenient to rely on the record and pretending to read his own notes, he used to read the depositions unmindful of the possibility of variance in the actual testimony.

“There can be no doubt of the guilt of the prisoner,” he said to a jury. “You saw that most respectable young woman Mary Murphy, you heard her say (reading the deposition) ‘I saw clearly the man who did this, and I knew him well, he was the prisoner.’”

“My Lord,” said the prisoner’s counsel. “What Mary Murphy said was that she saw the man, and he was a taller and a thinner man than the prisoner.”

“Have you finished with your interruption?” queried the learned judge.

“I have, my Lord.”

“Gentlemen of the Jury, fifty times she swore it—at least,” roared the apostle of accuracy.

He expected persons in whose favour he ruled points, to be absolute in sustaining them. I remember a probate case in which the will of a married woman was contested by her husband who had committed bigamy, and was present at the trial in convict garb, and also contested by a rich relative who intervened because a legacy to him had been changed in a codicil. I applied for costs against the intervenient. Boyd agreed, but the Registrar called his attention to the fact that these should be limited to costs occasioned by his intervention. Boyd unwillingly assented, then issued an order awarding all the costs against this hapless litigant, who instituted a motion to rectify the order. My junior attended on

the motion and assented to the rectification. Boyd stuck to his order and said he would dismiss the motion. "With costs," timidly suggested my junior. "I'll give you no costs," said Boyd. "You admitted I was wrong."

Boyd was the third member of a court with Palles, C. B., and Madden, J., on the hearing of an important revenue case. The Chief Baron delivered a learned judgment in favour of the Crown, Madden against it. Boyd, perceiving that his colleagues were silent, sapiently observed, "I concur——"

"But," said the Chief Baron, "you can't concur with both of us."

"Why not?" said Boyd.

"Because, my dear brother," said Madden, "we do not concur with one another."

"All right, Madden," said Boyd, "I'll concur with you." Judgment accordingly.

CHAPTER IV

THE LIBRARY

IN the morning the practising members of the bar robed in the cellars beneath the hall of the Four Courts, and then went to the Library. The old library had seating accommodation for about seventy persons, and there were about two hundred and fifty subscribers. A newcomer could have no definite place, but every seat whose owner was absent might be occupied by anyone until the owner himself appeared. In the centre of the room was a round table about nine feet in diameter. It was the resort of the best known *raconteurs* of the profession, who were also the leaders of Nisi Prius. My uncle, D. B., had acquired a seat as a sort of *donatio mortis causa* from Dan O'Reardon. This form of conveyance was not regarded with favour but no objection was made. As his pupil I had second claim on my uncle's seat, and as he was in active practice I was lucky.

On the left were John Atkinson, Seymour Bushe, Dick Adams, and Johnny Moriarty, a delightful company when in good humour. The right segment of the table was less boisterous and it included two barristers whose objection to Adams' stories only provoked him to worse. At times also, for reasons that I did not then know, Moriarty might flare up, at some allusion real or fancied to his past. He was extraordinarily kind to me and I liked Johnny, but through life and until the sanctuary of the bench received him, he would rather play tricks and lose than play fair and win. I once handed Johnny in court a report of a case that I thought would assist us in

an argument. It was about the liability to pay a cheque obtained by false representations. He did not cite the case. I afterwards discovered that his conduct was the subject of the decision. He had been bankrupt paying a small dividend.

He once told how the last five thousand of his funds vanished. I do not know enough about racing to form an opinion about the story. There was a match between two horses to be run on a race-course. One animal, a dark bay, was supposed to be much superior to the other, which was a chestnut. Johnny went to the jockey who was to ride the bay horse to see what could be done.

"How much have you got?" asked the jockey.

"I've only got five thou.," said Johnny.

"That will do, two thou. for me, three thou. for yourself on the chestnut."

"The money was put on and the race started. The course was around



JOHNNY MORIARTY.

the curve of the inner rails before entering the straight. The bay could not be stopped, so the jockey instead of following the line of the rails, let his horse fly off on a tangent into a corner, then turned him and headed for the straight, thus allowing the chestnut to win by a hundred yards. The bay was hoisted on



JIM LARKIN

the board as the winner. Johnny went to the judge and pointed this out. "That's right," said the judge. "But," said Johnny, "the chestnut finished a hundred yards in front." "I've not seen the chestnut finish yet," said the judge.

There was no appeal and the decision was honest. The judge had been so absorbed in watching the extraordinary behaviour of the bay, that the chestnut passed under his nose without being noticed.

For twenty years Johnny and I conducted innumerable cases whether on the same side or against one another. We had an understanding that when we were together he would play no tricks. When I was against him he was always playing tricks. Some succeeded, some more than failed. In one of the cases I had against him in the Court of Appeal, I set aside an order that Johnny had obtained by pretending that he had in his hand a document, that he well knew never existed. The members of the Court attacked him savagely. Within a short time I was in the same Court arguing cases before him. He was not vicious. He had some queer defect that prevented him from appreciating that playing tricks was wrong, but otherwise he was a generous cheerful fellow of enormous ability, which carried him to the head of his profession despite his faults. He satisfied me that in the matter of the cheque he was absolutely innocent and that the report wronged him. He had had no opportunity of giving evidence in the case.

Seymour Bushe was the last of the classical orators who graced the Irish Bar. He transferred himself from Ireland to take up practice at the Parliamentary Bar, became lonely as all Irishmen do in the strange surroundings, gave up his work because of imaginary illness, and lingered on for years in obscurity. To listen to Bushe addressing a jury was a pleasure. His voice,

manner, and cultured periods, rendered the most trivial extempore address a polished gem. He should have done big things.



SEYMOUR BUSHE.

Atkinson was of course the life and soul of the Round Table. He could tell excellent stories save for one flaw—he never could remember a name, and he never alluded to a character by the same name twice. He was the

same when citing cases in court. I one day turned into the King's Bench where Atkinson was arguing, and I heard him allude to "the Killarney case."

"I'll bet you twenty to one," said a colleague to me, "that you won't give the name of the case though you know it well. It is Julius against the Bishop of Oxford, and the funny thing is that Atkinson called it by its own name once. Then he called it Julius against Benedict, then he called it Julius Benedict's case, now he is calling it the Killarney case because Julius Benedict wrote the 'Lily of Killarney.'"

One of the last cases that Atkinson argued was about Succession Duty and the Intestates Estate Act. Such litigation is usually dull. This came before the Chief Baron, Johnson, and Madden; Atkinson cited some case and read a judgment of, I think, Lord Esher. He alluded to this several times in his address but each time he gave the decision a couple of new names. Johnson thought that these were new cases and held up the proceedings looking for them. At last Atkinson christened his authority by accident with the name of an actual decision of which he had never heard. Johnson sent for it and got it. In a few minutes the wooden headed Judge requested Atkinson to point out what he relied on in Lord Mansfield's judgment which seemed wholly irrelevant. Atkinson said that he had not cited Lord Mansfield, it was Lord Windsor. Johnson said surely it was Lord Mansfield. He seemed to be weak on it so I ejaculated that it must have been Lord Mansfield. Johnson cheered up and said that of course it was Lord Mansfield. Atkinson said he was tired of repeating the passage; it was from Lord Weybridge, and Lord Mansfield had nothing to do with it. Johnson asked what was the use of contradicting him when he had the book in front of him: it was an action for debt. There then arose a heated controversy between these two jurists as to which of them did not know the

difference between the *debet* and *detinet* and *detinue* and *trover* and conversion ; in the midst of which the court adjourned.

Of all the old colleagues whose memories crowd around me in remembrance of the Munster Bar there was none of whom every member of the circuit was as fond as of Redmond Barry. He never had an enemy. It fell to me to give expression to the sentiments of his circuit upon his untimely demise, and I truly said that of all the men I had ever known he alone had achieved every hope of his ambitions, King's Counsel, Member of Parliament, Solicitor-General, Attorney-General, Lord Chancellor: yet his triumph was the most dreadful tragedy that ever mocked success. The gap between poor Redmond Barry and true achievement was immeasurable. No one can remember any notable characteristic of Redmond save his incomparable laugh. I envied it most wickedly because Tim Healy once observed that could I hear my laugh as others heard it I never would laugh again. I cultivated a professional cachination that never failed to provoke him to hysterics. But Redmond Barry really could laugh. John Atkinson ("we who have loved him so, honoured him, followed him," can never think of him as a Lord), not only could never remember a name, he could never quote a figure accurately. Atkinson was prosecuting, Barry was defending in a shocking case of agrarian murder. There had been a family feud over a few roods of worthless Kerry mud, and the quarrel seemed likely to be ended by the marriage of a boy and a girl. The greed for land triumphed and the girl led her lover to the spot where her brothers shot him. The relations between the young people rendered it imperative that the assassins should attend the "wake" of their victim, should enter the house, should then pass into "the room" (i.e., the best apartment of the humble dwelling), and there should kneel for a moment and

pray at the foot of the body, then pass out. Atkinson described the scene to the jury. Every person present at the wake noted the extraordinary fact that both of the accused had drawn their hats over their faces as they entered the room, so that they had never looked upon the corpse. "As though they feared the wounds would open their ruby lips and damn them there as *murderers*," thundered Atkinson. A shudder ran through the court. The two men in the dock visibly blanched and cowered, everyone gasped with the shock. "That you may appreciate what had happened," continued Atkinson, "I want you to note carefully this map upon the wall which represents the Parish of Ballyheigue. It is drawn upon the scale of twelve inches to the foot——"

And Redmond Barry laughed !

Perhaps the loyalty of the professional adviser never deserved this story. Atkinson was Crown Prosecutor in charge of the cases at the Winter Assizes for Munster when he was approached by an old friend, an attorney from Kerry, who said, "Mr. Atkinson, I'd feel personally obliged if you would send up a bill for murder instead of manslaughter in that case of Flaherty." "But my dear Tom," said Atkinson, "I think this judge would be quite likely to rule it was murder." "That makes it all the easier for you to oblige me," said the attorney. "But why are you so anxious about it ?" enquired Atkinson. "Well you see the fellow only gave me twenty pounds and I've done quite enough for that, but he'll expect me to brief and pay counsel out of it if he's charged with manslaughter, but if he's charged with murder, I'll get assigned by the judge and counsel and myself will be paid by the Treasury." "But do you understand, Tom," said Atkinson, "if I indict him for murder, he'll be tried for murder, and convicted of murder, and the result will be that your client will be hanged ?"

"Ah, my client be damned!" ejaculated the attorney.
"What has he got to say to it?"

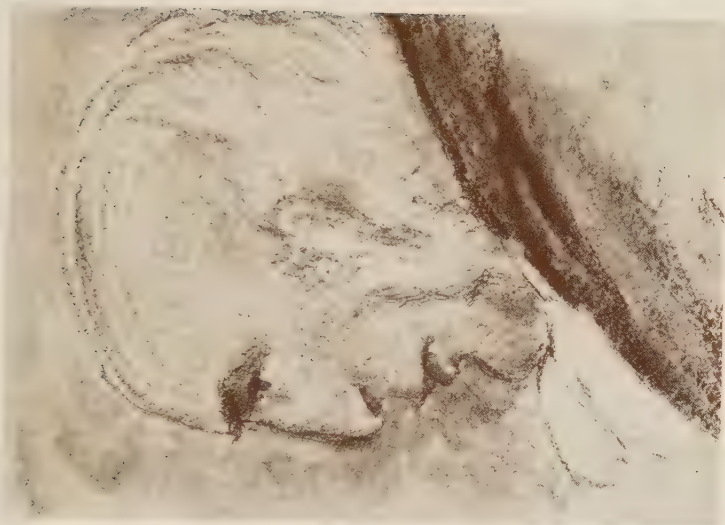
All clients were not equally loyal to their counsel. An excellent story was told against himself by a young advocate who was assigned by the court to defend a prisoner charged with murder. The barrister prepared and wrote out a most eloquent and convincing speech which he proposed to deliver to the jury on his client's behalf, and to make sure that no point was omitted, he brought it down to rehearse to the accused in the cells. The declamation of the first few pages were somewhat mournfully listened to, but the orator was cheered by some semblance of interest on the part of the person concerned who eventually interrupted by asking, "Could you tell me, Mister Mac, is hanging a painful death?"

When I reminded Adams of the first consultation I had attended at Val Dillon's, Ronan was very much amused at overhearing it, and told us that the first consultation he attended was at the house of one of my predecessors, Serjeant Armstrong, who was leading for the defence in an action for *crim. con.* In England in recent times this form of proceeding has been merged by including a claim for damages against a co-respondent in a petition for divorce. In Ireland the husband kept the wife, but sued for damages. The solicitor, junior counsel, and client were shown into a vast Georgian drawing-room, heavily curtained and carpeted, they advanced through a gloom tempered only by a couple of lighted tapers in silver candlesticks, and found seats. The Serjeant was apparently dozing in an arm-chair beside the fire. There was a long silence and a weird creepy feeling overcame the visitors.

Suddenly the Serjeant demanded, "Is the defendant here?"

"I am, sir," answered a young officer. He was a mere boy. He had been taunted at his mess for being





SIR PETER O'BRIEN
(" Pether ")



TIM HEALY

a milksop and had run away with a lady to disprove the accusation.

"In the first place I want you to understand that what is spoken in this, a conference of your legal advisers, is as secret and sacred as anything closed by the seal of the confessional. We must know the truth." Another long creepy silence. "In cases of this kind the impetuous chivalry of youth may be prompted to falsehood by mistaken sense of obligation to shield a woman. We cannot bow to that. You must tell me candidly is there any ground for this charge against you?" "None, sir." The old gentleman in the arm-chair seemed to relapse into slumber. Everyone felt most uncomfortable. Another pause. "You answered hastily. I want you to think. I want you to think. I want you to tell me upon your honour as an officer and a gentleman, was there anything in the nature of impropriety between you and this lady?" "Nothing, sir." "And to-morrow, will you be prepared to enter the witness-box and call upon your Maker to verify the assurance you have given me?" "Certainly, sir." "Well, for God's sake remember you're to stick to that," said the Serjeant.

A few weeks after my call to the bar I was walking home in the evening as usual, with Tim Healy. He proceeded to give me most excellent advice. He spoke generously of my part in the events of the preceding two years, and assured me that there was no need to sacrifice myself by supporting him further. I should drop politics and stick to the profession for which I had an aptitude and upon which I was now dependent for my livelihood. As we parted on his doorstep in the square where we both resided, I promised to consider the matter. About midnight I was roused by someone thundering at the hall door. I put on some clothes went down, and found a tall and muscular gentleman about my own age on the threshold. When he had verified my identity

he handed me a note and struck a match by whose light I might read it. It was from Tim: "My dear Alex, The bearer is Tom Curran. We are running him for Kilkenny City. He has never been in the country before and knows nothing about it. Take him down by the morning mail and do the needful.—T. M. H."

When a general election was approaching, an English Minister could sell enough honours to pay his party's bill. We had no honours to sell, but I strongly suspect that Mr. Curran, senior, who was a wealthy Australian and proud of his son, made some substantial contribution to the anti-Parnellite funds. I went down and did the needful as requested. I found Kilkenny in the hands of the Parnellite mob, and I took it out of their control. The election was good-humoured on the part of the leaders, but the organisers of the violence were unscrupulous, until the rough and cowardly element of the town learned that it was dangerous to play rough house with a party that commanded the assistance of the Castlecomer miners. I commenced that campaign in a riot in Kilkenny. I ended it a month later with a riot in Roscommon.

The result of the elections was the utter defeat of the Parnellite faction, but it had some legitimate ground for complaint as to the manner in which its candidates had been treated by the Catholic Clergy. It can never be for the benefit of religion that its ministers should trail their robes in the mire of party politics. Resentment at the conduct of the Priest leads to demoralisation of the flock. It is a degradation to the Church, that those who are true members can not attend its ceremonies without being exposed to insult by the minister who should be the friend and servant of all. It was an attack on public morality that Parnell should claim to continue to lead the National movement, as if the divorce suit made no difference. It is no mitigation of the offence to say that the Catholic Church

had accepted as its spokesman in politics O'Connell, whose transgressions outnumbered Parnell's. O'Connell's failings were private faults. Had they become the subject of the public trial and conviction, it would have been the duty of the Church to repudiate his leadership. It is only the public and unrepentant sinner that may be publicly denounced.

The manner, however, in which censure is pronounced may be, and in Parnell's case was, so bad as to create sympathy for one who did not deserve it. Moreover, in 1892, Parnell was dead. Support of him when alive did not involve exclusion from the Church, yet his followers were treated as outcasts. Some petitions followed the elections; Davitt and his colleague were unseated in the two divisions of Meath because of the action of the Bishop during the election. The Bishop and Tim Healy both pressed me to take Davitt's seat, as Davitt himself wished. I had already made up my mind that I could be of no public service in Parliament, and had refused to become a candidate. I would not go back on this determination. In 1913 I could have been of real assistance, but the jealousy of Dillon and Healy prevented my election.

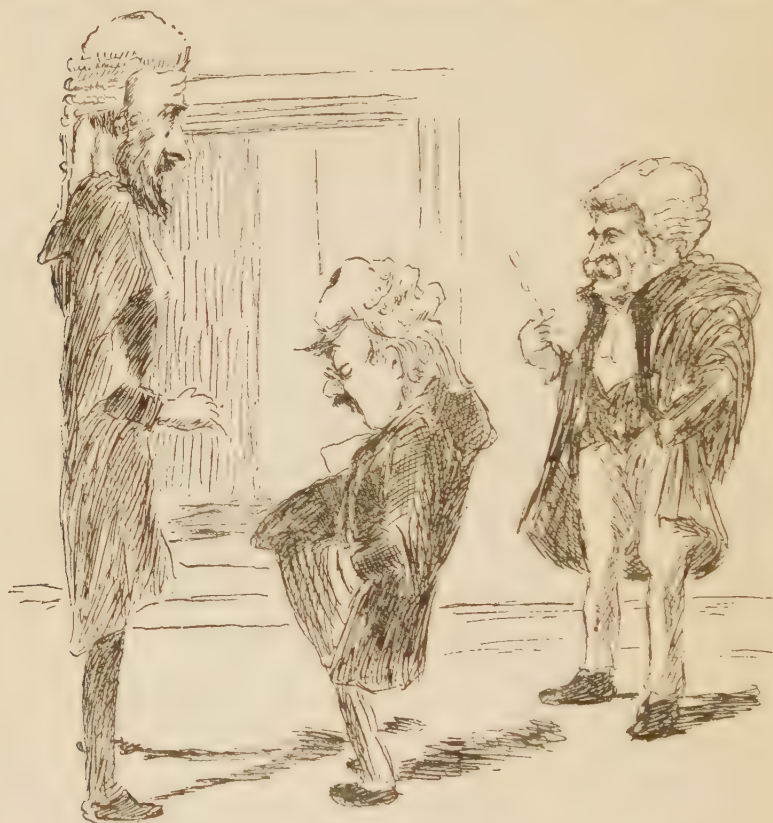
At the close of the elections I settled down to serious work at the bar. I have spoken of the position of the "Counsellor" in Munster. The life of an active member of the bar in the Four Courts had also attractions. It is impossible to convey to the English mind the *camaraderie* not only of the circuit, but of the library. It was not the life of a club. No self-respecting club would permit the familiarity with which strange young juniors treated grave old seniors around the fireplace of the Law Library. At a club a man may keep to himself. At the Irish Bar life would have been intolerable to any man who did not school himself to accept in good humour the free and witty criticism of himself that was levelled at him sometimes with malicious candour during the

gossip of the lunch-hour. The most popular were addressed by their Christian names, unless they had nicknames. The men in active practice lived on terms of personal intimacy. Promotion to the bench could not break the habits formed by years, and judges continued to be spoken of (though not addressed in court) by the courtesy titles that they had borne among their brethren before promotion. Whatever personal antipathies existed, to manifest them before the other members of the profession brought down upon the offender such punishment of incessant ridicule, that the few foes who were amongst us, had to behave as friends. The finest feature of this strange life was the privilege of the young. Whatever might be a man's position at the bar, the most youthful junior was entitled to go to him, lay the puzzles of inexperience before him, and no leader was permitted to refuse his aid in solving them. We sat robed in the library during the day except when occupied in court. There was no such institution as chambers. No barrister had a clerk. Every man in practice would be found between half-past ten and half-past four, in the library or in one of the courts under the same roof. The barrister had to keep a good collection of books at home where next day's work was prepared. Consultations were most frequently held at the residence of the leader in the case. In recent years consultations at the courts became common. A solicitor desiring to brief counsel, in the old days, would come with the papers to the door of the library and ask for Mr. X. The attendant at the door would bawl out the name of Mr. X., whose ear would be trained to hear nothing in that noisy room except the sound of his own name. Mr. X. would come to the door, receive his brief and fee, and have some short chat about the case. If Mr. X. were a busy man, the attendant would have a record opposite his name on a printed roll of the courts in which he was to be sought.

Like all good institutions the library was of slow growth. A hundred years ago the Irish barrister robed at home and walked or drove in his wig and gown to the Four Courts. His uniform was a protection from arrest for debt, and was useful as such to many a counsellor until 1870, when imprisonment for debt was abolished in Ireland. On arrival at the courts, the old practitioner took up in the great central hall his recognised position, near a door or near a pillar, and there his clients would find him when not in court. The yet unlocalised junior walked round and round the hall, as his English type had paced the round of the Temple church hundreds of years before. Only the rich could afford law books. The modest junior went in the evening to the library of the King's Inns, copied out his authorities and cited them from his note-book. An enterprising merchant bought a law library, put it on movable stalls, and set it up daily on the quay opposite the courts. Hence books could be hired when wanted for a shilling or sixpence. This was such a convenience that a committee of the bar fitted up a small unused room, in the building, let the huckster ply his trade there, and on his death bought his books and carried on the business for the bar. Larger apartments were given by the authorities as the library and its subscribers increased until the system developed with all its delightful circumstances.

Though there were Four Courts until 1890, Chancery, King's Bench, Exchequer, and Common Pleas, there were never any Serjeants of the Common Pleas in Ireland, but there was maintained the most ancient of the Law Officers of the Crown, the King's Serjeants appointed under the great seal of the Kingdom of Ireland. The King's Serjeant in Ireland as in England was the head of the profession until the middle of the nineteenth century, when his postponement in precedence to the Attorney-General and Solicitor-General caused

the English Bar to leave the office vacant rather than assent to the representative of the profession being superseded by the representative of the political executive. Ireland accepted the change, and continued the line of King's Serjeants as long as Ireland



THE KING'S SERJEANTS:

BONES
SULLIVAN.

BELLY
McSWINEY.

BRAINS
MATHESON.

lasted. There now can be no more. They end with me after a history of five hundred years.

The system of jurisprudence was theoretically the same as in England. In fact, it was better. The Judicature Act applied to both countries, but in

England it fell to be administered on its passing by a bench of old and conservative judges who disliked its changes, while in Ireland it was exploited by a bench of young men in the prime of genius. There was a true fusion of law and equity, the administration of both being purged of the pettifogging contentions that resulted in useless interlocutory proceedings regarding pleadings and formulae under the older system. Procedure was cheap and rapid. The issue of a case was made to depend upon the truth and honesty of the cause, rather than upon the skill of the counsel in drafting documents. As far as men like Palles and Porter and Holmes and Andrews were concerned, the cost of useless interlocutory proceedings fell on the solicitors who indulged in them. The litigant could not be exploited for their profit. Administrative work was, of course, carried on by the Chancery Division, but carried on simply and in the main rapidly. There was abolished the incentive of enhanced costs, that tempts the solicitor to contrive a Chancery suit instead of bringing a Common Law action. Costs in Chancery were modified and as far as possible limited to costs of what was useful. The rule of one system of law applicable to all affairs of life prevented specialisation. A leader practiced in every court. In the course of my professional life in Old Ireland I appeared before every tribunal, before which counsel had a right of audience, with one exception—I never appeared at a court-martial.

The multiplicity of jurisdictions appertaining to lesser courts had disappeared. The Recorders of the five towns were the County Court Judges of their districts, and the County Court Judges, elsewhere, were *ex officio* the Chairmen of Quarter Sessions. The Land Acts, and the Labourers Acts had tribunals of their own to administer a code of social legislation far in advance of anything of its kind elsewhere in the British Isles. The

elasticity of the Irish system was its notable characteristic. The achievement of justice was not permitted to be clogged by any rigid regulations.

The system of appeal from the County Court was in principle bad, but the people liked it. An appeal involved a full rehearing before a Lord Justice of Assize, whose decision was absolutely conclusive. No defence can be offered for this. In the case of a rehearing by a good High Court Judge the litigants had an improved tribunal, but the standard of efficiency of the County Court, was very frequently much superior to the Court of Assize. Too often it was an appeal from competence to incompetence. Whether a man became a County Court Judge or a High Court Judge, did not depend in the smallest degree on his merits. It depended only on what political influence he could command. The peasantry however enjoyed their trial at the County Court as a preliminary canter and reserved their best efforts for the assizes.

In Ireland there was no imprisonment for debt. The Debtors' Act had abolished it as it was meant to be abolished in England. Rogues could be imprisoned on proof that having money in their pocket they refused to obey an order to pay it to a creditor, but an Irish Judge would be horrified at the disregard of proof of roguery that keeps alive the system of imprisonment of the poor for debt in England.

There were practically no private prosecutions in Ireland. In thirty-five years I have known of half a dozen. I have conducted two. If a crime was committed complaint was made to the Police. The Police if satisfied about the matter brought the accused before the Magistrates. If he was returned for trial a copy of the depositions was transmitted to the Crown Solicitor for the County or Borough, who took the directions of the Attorney-General or other Law Officer as to future conduct of the prosecution. The victim of wrong doing

was not expected to do more than inform the public authorities of a breach of public law. I once had a case in which an illiterate deaf and dumb man having been badly beaten went to the nearest Police Barrack. The constables could see that he was wounded, but could not understand him. His assailant came along and volunteered to translate the signs and motions of the dummy which he put into the form of an information laid against a third party. Fortunately there had been an independent witness of the occurrence.

The Police system was excellent. The country was served by one organisation whose duties in every part were co-ordinated. The proportion of undetected crime was extremely small. If the proportion of convictions was not large, that was not the fault of the Police system.

CHAPTER V

IN PRACTICE

I held my first brief at the Cork Assizes in July, 1892. I was the junior counsel for the defence of a political libel action brought by a Parnellite against an "anti." The case had no merits and its details escape me, but I was struck with the adroitness with which my client secured a favourable jury. The partizans of each side were assiduous in their attendance at the courts, hoping to be sworn on the jury. The panel was a small one in which there was a small proportion of neutral politicians and the party "whips" kept their men on the watch. One evening the jurors were released from further attendance, save those sworn in the case then coming to a close. The Parnellite whips went home while for some reason the "antis" did not. Our case stood first for the morning but when the Parnellites had gone an application was made to insert a short action at the head of the next day's list. The Parnellite whips heard nothing of it. They brought in their brigade next morning, and twelve of their best were sworn in the other case. The "antis" arrived late for the first case but in plenty of time to serve where they were wanted.

In the following December I commenced the work of defence of criminal cases at the Winter Assizes. The traditions with regard to the conduct of the Crown with regard to these cases were not enhanced by an episode that had its ludicrous side. Many years my senior there was then a well known Cork man engaged as counsel for prisoners in many cases. He had a thousand

virtues but two defects. In the first place he was no more scrupulous than were the minions of the Crown in what might be called the major strategy of the campaign. In the second place he was suffering from a nervous complaint that deprived him of the faculty of moderating his voice. If he commenced addressing a court, his attempts to communicate with his colleague or his solicitor were pitched in the same tone as his speech. In the particular case he was defending five persons who were charged with a moonlighting outrage. Two of the accused were highly connected in the City of Cork, where the trial was set, and their counsel imprudently announced in the bar room his intention of carrying on the proceedings over the next week-end, when the jury would find themselves in an atmosphere extremely friendly to the traversers. The Crown Counsel were The McDermott (the Attorney-General), and his junior, Johnny Moriarty. The old Prince was supposed to have a conscience that Johnny could appease, Johnny himself to have no conscience at all. This pair recognised the danger of the week-end. They persuaded the Court to sit long hours, cut down their witnesses and closed their case for the prosecution on Wednesday night. This was a heavy blow for the defendants, but their loquacious counsel rallied. He appeared in the bar room on Thursday morning with a bulging brief bag and in the best of humour. He uttered a copyright exclamation that sounded like "Ah-bou-ah," which he used as a stimulant, and announced that his bag contained notes of his speech in which, explaining the details of five different alibis, he expected to revel for more than a day. What then happened must be considered as doubtful. There never was any legal evidence against either the McDermott or Johnny beyond their joint and several denials, but it was universally believed that the notes were taken from the brief bag and consigned to destruction by one Crown Counsel at the instigation of the

other. Be that as it may, the opening speech for the defence was at its outset somewhat difficult to follow as the main discourse and the interlocutory "asides" were all delivered in identical intonation. "May it please your Lordship and Gentlemen—Gentlemen, ah-bou-ah is this my bag—gentlemen of the jury, I appear with my learned friend—damn it, where are my notes; my learned friend—will one of you fellows see if my notes are in the bar room?—on behalf of the prisoners at the bar to submit to you—not there! some fellow took them out of my bag—in the first place that the Crown—I know who did it, McDermott—that the Crown has not discharged the onus—you wouldn't do it yourself, but Johnny would do it for you." Here Johnny let fall his monocle, lifted his eyes to Heaven and his lips moved in silent prayer for Divine protection against such defamation. "Ah-bou-ah the onus that lies upon them, but I'll beat you yet." He did beat them. The absence of his notes resulted in making him more irrelevant and long-winded than he otherwise would have been. The case went over the week-end and the jury disagreed.

The men were put on trial again. Some people love points of law for their own amiable qualities, regardless of their irrelevance to the matter in hand. The counsel had come across a decision that it was legitimate to call positive evidence to vouch the general credibility of witnesses, and to proclaim this discovery he called the Parish Priest having the cure of the traversers' souls, to testify to the reliance to be placed on their witnesses. Unfortunately the Attorney-General was a "Spoiled Priest" (i.e., one who had been in a seminary) and "the old Mac" as he was called, cross-examined the Reverend Gentleman to such effect as to produce the impression that witnesses of generally good credit might be relied upon to commit perjury in defence of patriotic moonlighters (which I regret to say was true), with the result that out of seven of the accused

three were convicted and severely dealt with. The poor Priest was at that time engaged in building a new Church. His humble flock had little money, but much zeal, and he had organised the community so that one man worked one day in a fortnight, and another twice a week or lent his horse and cart and man, so that the walls of the new temple had risen a few feet above the ground when this most unfortunate trial took place. The local secret society spread the rumour that the Pastor had "betrayed" the boys—among the professional patriots in Ireland speaking the truth was always alluded to as "betraying" somebody or something—and the descendants of the Saints and Scholars of the hallowed isle assembled in their (spurious) indignation, and in a few days removed all traces of the incipient church.

A Liberal Lord Chancellor of England once confided to me that supporting the Irish National Movement was rendered more than difficult to the Liberal Imperialist by the admittance into the ranks of the Irish Party of convicted law breakers. I protested that this objection came very badly from a minister who without objection had served in a cabinet along with a man against whom there stood a verdict of "wilful murder" in the annals of the oldest court of record in Ireland. His Lordship was horrified at the suggestion and was greatly astonished to find that the alleged homicide was John Morley. The victim of this eminent statesman was a client to whom I was indebted for an act of real kindness. He was a great scoundrel in whose defence I took part as the junior counsel in my earliest days in the profession. The strain of the trial was beyond my strength, and when the jury brought in their unexpected verdict of "Guilty" of the shocking murder with which he stood charged, I became almost senseless; and with my head buried in my hands, I heard Chief Baron Palles sentence the man to death, and heard the tramp of feet down the long corridor leading

from the dock. There was an exclamation from the bench and the prisoner was sent for again. There was some blunder that I had not noted in the formula of the first pronouncement, and in my stupor I heard the man sentenced again. After sentence he asked, "May I speak to my solicitor, my Lord?" "You may," said the Chief Baron. The solicitor left my side, went to the dock, and in a few moments prisoner and warders tramped away again. The solicitor returned to my side. "Twiss sent for me," he said, "to tell you to cheer up and not take it so much to heart. It was bad luck, but he is grateful for the fight you made for him." In such a moment such a man could think of the feelings of the boy who defended him. He was hanged, and the coroner's jury, by order of his secret society, returned a verdict of wilful murder against John Morley, who as Chief Secretary was the Minister who refused a reprieve.

I spent the first four years at the bar practising in the County Courts of Cork, Kerry and Limerick, and in assize courts of Munster. The County Courts afforded unlimited instruction in the life of the country. Here marched upon the stage all the real characteristics of the people, in their life from the cradle to the grave. What thoughts ruled their minds, what traditions governed their observances, were here revealed in living story. The domination of "the land" pervaded everything. "The land" was a deity to which were sacrificed human ties and human sentiment. In the great majority of contentious cases the disputes concerned "the land." The smallest trespass was a sacrilege. The establishment of a right of way over "the land" was the infliction of a grievance that lasted for ever, while the memory of an insult or a blow might pass away. Among three-fourths of the population it was "the land" that regulated marriages, that divided house against house, that aroused passion and provoked crime. The man with "the land" was a farmer, and

between him and the landless labourer there was a social gulf that nothing could bridge. For a farmer's daughter to marry a landless man was a degradation never to be forgiven. The economic destiny of the family crushed out romance. No one could afford to marry for love, no one attempted it, few ever thought of it. While the owner was young and healthy he worked the farm with the labour of the family, and he prospered. The education of the children was sacrificed. Compulsory attendance at the National School, withdrew labour from "the land," and it was marvellous how useful child labour was upon the farm. Literally it could not be spared. When the children grew up and the father aged, the spectre of "the land" divided the family. Normally the eldest boy should take it over, but there was no law to entitle him. The possibility of other disposition maintained the father's despotism. When the time came, the parents selected a wife for their son by bargain with her parents. The young people had nothing to say to the selection. It would be a National disaster to allow affection to interfere with a transaction upon which the whole social organisation of the community depended. In the selection of a daughter-in-law, physical deficiencies were ruled out. The girl must be able to maintain her part in the work of the farm and of the household. Life is too hard to tolerate a weakling on "the land." Apart from this it was a matter of money and money's worth. The girl's parents purchase the land and stock from the boy's father and the farm was assigned as a going concern to the young husband, subject to the support of his parents while they lived. The young wife had no claim on the place though her people had paid for it. She had become the wife of a farmer and the head of a home.

With their daughter-in-law's fortune, and with what savings they may have had, the old people had to provide for their other children. One of the girls may be

“married into” another farm by similar bargain. Perhaps two girls may be lucky enough to get settled this way. The younger children would hang on for a while, giving their labour for their keep, until the new children appeared in the house, when the remnant of the first family was sent to America. Such was the inexorable story of the small farm.

If the father died before the marrying time, his will provided who was to arrange the necessary marriages. If there was no will a despotic family council arranged it, often without regard to the rights of infants or absentees. When the family could not agree the farm was sold, and all became landless. Clearly nothing else could have happened. There is nothing in Ireland to support life except the land. The other industries are subordinate to agriculture, and are quite incapable of employing the surplus labour of the peasant's family. America absorbed that. To-day America has closed her gates and agriculture is broken with taxation.

From the circumstances of the community, litigation was active. Marriages were contrived in haste. The appearance in the matrimonial market of a girl with another ten pounds or a farmer with a extra pig would upset all arrangements. Weddings were usually celebrated at “Shrove” and the scramble of finality on Shrove Tuesday did not contribute to clearness of instruction or preciseness in conveyancing. I have seen a marriage deed in which one girl's name was struck out and another's substituted, the second struck out and a third inserted, in the course of a couple of hours. In the more cautious cases the bargain would be concluded only when the girl's people had inspected and valued the farm and stock to be assigned to the boy. In my early days it was common for the owner of the farm to borrow a few cows when he expected a visit from the girl's valuers. When the wedding was over these animals would disappear and the tale of the matchmaking would

be heard in the County Court. When it became generally known that the man who lent a cow to deceive a matchmaker, had to abandon his cow to the bridegroom, once the match was made, it became difficult to borrow cows. On the other hand the girl's fortune might not all be paid at once. Promissory notes might be given and much ingenuity expended in the avoidance of paying them. To get the farm the son might have spent many years of toilsome obedience, but once he got it both he and his bride would try to compel his parents to abandon their home. This was the one enterprise in which husband and wife became a unit. To her husband as her husband, she was ever loyal (matrimonial infidelity was unknown in rural Ireland). When the children came she was loyal to their father as an additional bond, but in the quarrels that frequently arose she was a partizan of her own people. The position of a woman was always to some degree dubious. She was never of the same kin as a man in the same degree. A brother was nearer in relationship than a sister, his son was a "nephew," hers was only "a sister's son." In the effort however to rid themselves of the old people, "What God had joined together" were one. The result was litigation. The old people were rendered uncomfortable in their room, hungry after meals, cold in the winter. They brought proceedings in the County Court. All the family came in to the sessions on the same cart. They abused and complained of one another in the witness stand, they heard the judgment, mounted their cart and went home together.

In Kerry there was a delightful form of action for "overstint." Six people would be entitled to the grazing of a mountain, each entitled to ten "collop," that is the year's grazing of a full aged milch cow. Each averred that his neighbours put on too much stock, and an account had to be taken. For instance it is averred that Mick on the First of January (when there

is nothing to eat) had upon the mountain a one and a half year old heifer (which is half a collop,) three two-year old bullocks (being each two-thirds of a collop) a horse (which is two collop), seven yearlings (each a third of a collop), fifteen sheep (eight to a collop), and three goats (not to be named among collops), and in March he put on two brood mares and a colt, nine two-year old bullocks, another goat, and he sold off the heifers. In May he added two milch cows and a donkey. He sold the bullocks in July and had one hundred and seven sheep for five weeks and two days besides the cows, and he did not sell the goats until October, etc., etc. Mick and the other four deny all this and give each a far more complicated account of the various allegations and denials as the conveyancers would say with cross remainders over. They contradict themselves and one another fluently and emphatically, and with circumstance. No human being could determine such a case. Arithmetic fizzled out. Algebra fled, the sidereal declinations and precession of the equinoxes lent no assistance. It was hopeless.

The other native litigation was chiefly concerned with defrauding Landlords and Sheriffs. These are *hostes humani generis* and in the Kerry vernacular they have a right to be cheated. At the equity side there are frauds to be rectified and there are administration accounts with enormous credit claimed for expenditure on the "wake" of the deceased. Only a reasonable number of days and nights of intoxication will be allowed until there comes a time when the ceremony is discredited because the neighbours whisper "they'll wake him on porter." The children also who have been ignored in the marriage settlement of the family council, come in on the equity side and cause unending misery.

These are the forms of contention that arise from the land and its disposition. The usual differences between human beings all the world over, result in

legal proceedings in common form, supported and refuted with all the circumstances of romantic imagination transcending truth. There are formulæ for conveying falsehood without stating it, and for throwing doubt on truth without denying it. The most emphatic affirmative to be extorted by cross examination is the admission "It could be." Each day's work was an education and an entertainment. No happier career than a practice in the "small courts" could be found by a young Irishman fond of the country and its delightful people. The presiding judges were not all in keeping with the comedies and tragedies enacted before them. Some were too old, some regarded themselves as being too far above the natives of the soil to try to understand the habits of the vulgar. As time went on, it was recognised that without such understanding no judge could function. The transition to the new school, in the County of Limerick, was marked by the appointment of Dick Adams as Chairman of Quarter Sessions and County Court Judge.

The circumstances of his appointment were peculiar. In '86 he had acted as Secretary to the Commission appointed to enquire into the savagery of the Orange riots in Belfast. Mr. Justice Day, a member of the Commission, was extremely considerate to Adams and interested himself in his professional advancement. A few years later, on a motion in the House of Commons to appoint Mr. Justice Day as a member of the Parnell Commission, John Morley delivered an attack on the proposal, reading out to the House a scathing lampoon on the learned Judge. Asked for his authority, Morley casually remarked that the comment was contained in a private letter to himself, and eventually he disclosed that the writer was Richard Adams, who had become one of Her Majesty's Counsel in Ireland. When Adams opened his *Freeman's Journal* next morning and learned of this most extraordinary feat of British Statesmanship,

he literally had a fit. His nerves were so affected that for a considerable time he was on the verge of melancholia.

On the return of the Liberals to power in 1892, Morley felt constrained to make some amends to the man whose confidence he had betrayed, and Adams was compensated with the County Court Judgeship of Limerick.

He had most of the qualities that the position called for. He was born on the shores of Bantry Bay among the peasantry with whom he sympathised and whose ways he understood. He had periods of genius. Self-educated, he was widely and deeply read in all literature save law, and he knew enough law to assist his experience and common sense. Unfortunately, he had not always control of his tongue. He was incomparably witty without effort, but his wit resembled Dean Swift's, and outrageous and ludicrous phrases escaped his lips before they had entered his mind. His position on the Bench afforded him no self-restraint. His worst offences against propriety were perpetrated in court. His proceedings, if not always wise were never dull, and his actual decisions were thoroughly good, though delivered sometimes in terms that were not conventional.

"Some people," said he, "may think that my jurisdiction is limited to cases not exceeding £50. It is not. I can give a decree for fifty pounds, costs on the higher scale, enormous expenses, and a load of abuse from the dirtiest tongue in Christendom."

"It is time for Crown business," he would exclaim. "The crier will please search the public-houses and bring in the Magistrates."

At Rathkeale, two gentlemen were remarkably regular in their attendance as spectators during the sittings of the court. Both were mad, one amusingly so, the other dangerously, and they were inseparables, until one retired to an institution and the other committed

murder. The proceedings at Rathkeale used to open with an application by the harmless lunatic for leave to wear his hat on the ground that he had no skull and therefore his brain uncovered by a hat was liable to catch cold. To save time, permission to this effect was added to the crier's proclamation of the opening of the court, which accordingly ran, "Hear ye all manner of persons that this court is now open and any desirous of transacting business herein come forward and you shall be heard and Mr. Jones may wear his hat, God save the King!"

Notwithstanding this, one morning, Mr. Jones advanced as of old to the foot of the table. "Yes, certainly," said Adams in anticipation. "You may wear your hat." "But your Honour——" "Wear it, I tell you, and for Heaven's sake, sit down." "But I can't, your Honour. That's what I want to tell you. I went home to tea last evening with my friend Mr. Frost" (his fellow lunatic) "and he offered to show me a trick if I laid myself down on the billiard table, but he tied me with a rope, your Honour, and he beat me until he broke the cues, and I shall never sit down any more." "I wish he had killed you," said the Judge, "then you'd be dead, and he'd be hanged and I'd be rid of both of you."

Adams delighted in luring on a tipsy witness to creating an uproar of laughter and turning on the poor man a flood of righteous corrective. On one occasion, however, he was disarmed. A rural authority was sued for destroying a cow under the rabies order. If destroyed on suspicion, the cow should be paid for, but if prior to destruction, it had been proved to be rabid, no payment need be made. Legal proof of the existence of rabies had been held to require microscopic examination of the spinal cord, so defence appeared hopeless. These defendants, however, produced as a witness a local cow doctor who knew nothing of microscopics or

spinal cords, though something perhaps about the taste of alcohol. "That cow had rabies," he swore, "by the infallible test." "What test did you apply?" "Bring a dog into the stall with the cow, and the cow sort of barks—that's the only infallible test." "Was that the only symptom you noticed in this case?" asked Adams. "N-no, in this case there was the sudden death of the cow." "Did she die suddenly?" "V-very suddenly." "Describe what happened." "I sh—ot her."

Jurors in the County of Limerick were the worst in Munster. At the end of the trial of a bad stabbing case, the usual verdict having been returned, Adams said to the accused, "Michael, I have now to discharge you. These twelve gentlemen on my left say that you are not guilty. Take a good look at them, Mike, so that you may know them again, for if you treat any one of them the way you treated the prosecutor in this case, you will not get one hour's imprisonment from me, even if you are convicted of it."

This jurist's definition of the limit of permissible perjury was as follows: "Look here, sir," he said to a litigant in the witness-box, "tell me no more unnecessary lies. Such lies as your attorney advises you are necessary for the presentation of your fraudulent case I will listen to though I shall decide against you whatever you swear, but if you tell me another unnecessary lie, I'll put you in the dock."

Adam's opinion as to advisable perjury was shared by all the organisers of agrarian crime in Munster. The defence in such cases was always an alibi and there could be no other. No one has yet succeeded in inventing a convincing and innocent explanation of the presence of the accused with blackened or masked face and his coat turned inside out at the scene of an outrage. To prove a false alibi (sometimes with the aid of truthful witness) it was essential to cut down

falsehood to a minimum. No half-dozen persons can invent an entirely untrue story that will not collapse under the most moderate cross-examination. The best alibis therefore were in all details true except the time, the place or the individual. Time was the easiest falsehood but the least convincing. Crimes were most frequently committed at night. The hour of the outrage would be noted by its victims and by the police. A clumsy alibi would depend upon a clock, and every witness would testify truly to the movements of the accused at the essential moment "by the clock." Some might, some might not know that the clock was adjusted so as to fit circumstances. There were difficulties about "clock" alibis. They were relevant only when the accused were within a short distance of the scene—within a mile or two. If there was an assembly of persons able to testify to the movements of a young man at one o'clock in the morning, what explanation could they give of their own meeting around the clock at an hour when the countryside invariably sleeps? Juries regarded such meetings with suspicion. If the witnesses were confined to members of the household, they had also to explain why they were not asleep. The excuses were, a mare was foaling, a cow calving, a sow farrowing—events of importance sufficient to keep the farmer's household from slumber. If all the family were not in the boy's company, it would be found that those who saw him sleeping beneath the clock were afflicted with toothache or with complaints chronic or temporary which prompted them to nocturnal locomotion. By the time I reached the bar, the clock alibi had run down, and was no longer used by the aristocracy of agrarian crime. Confusion of days was much more promising. The criminals would either come from a distance, or go away for some days before the act. In these cases there was no need to account for movement

in the night. The "boy" retired to bed at the usual hour too far away to be guilty—but on another day. Confusion of the individual was the best. For a day or a night John would assume the name of Pat. Everyone would call him Pat and he would respond. Thus "Pat's" movements as sworn to were all true actions in true sequence and circumstance. The only thing false was the man's name, a most difficult falsehood to expose by cross-examination.

Transposition of the scene could succeed only against incompetence, for it involved migration of the actors from their natural locality to the substituted place, and once this was enquired into, a stream of useless and inconsistent lying swept away the defence.

For years on the borders of Cork and Kerry, a criminal maintained his gang by dressing up a duplicate of himself to lead in the commission of every outrage, while the original would be in the company of some prominent official miles away. The proof of mistake in one identification weakened all.

When I commenced attending the County Court in Limerick, I was a little puzzled on the first occasion in which I heard a grey haired witness asked whether he was a three year old or a four year old. He said he was a three year old. He certainly looked more. In due course I found myself putting similar questions to witnesses. I have been engaged in a dozen assault cases, and have defended two homicides and three stabbing cases, in all of which the history commenced in the same terms. In the middle of a fair in Pallas or Oola, or Emly, suddenly a man was seen "wheeling and shouting for a Right Ryan," that is to say, walking in a circle flourishing a stick and proclaiming that a Ryan was right. This would provoke as an answer that someone should start "Wheeling and shouting for a Right Hourigan," whereupon a riot would commence, in the course of which many would be beaten,

some might be stabbed, one might be killed. In the fair of Oola, I believe, at the end of the eighteenth century, a dispute arose between a Ryan and a Hourigan as to the age of a heifer. One said it was three years old, the other said it was a four year old. They quarrelled and beat one another, and their friends joined in. Some were killed. The feud went on until I found myself employed as an advocate to defend men who were seeking to kill one another by way of solving the age of a beast that was dead nearly a hundred years.

There was a member of my circuit who was an expert counsellor, card-player, farmer, land valuer, County Court interpreter, and matchmaker. He at least knew the modes of thought that moved men in the County Clare, and therefore deserves the greatest credit for holding on to his farm and facing danger courageously until a local patriot got him shot. It was however as interpreter that his philosophic light most brightly shone. At one "sessions" of the County Court, two Gaelic speakers were involved in litigation, one a worthy man (in the opinion of the interpreter) the other a rogue, who intended to resist an honest claim, by a specious falsehood calculated to deceive even the elect—to wit the County Court Judge. My multifarious colleague resolved that justice should prevail. The worthy plaintiff was sworn in the usual way, and his story lost nothing of persuasiveness in translation. The procedure in the case of the Defendant was different. The Plaintiff merely pledged his immortal soul upon his veracity, but the following colloquy (in Gaelic) took place between the interpreter and the vile Defendant.

Interpreter. "Take the book in your right hand and listen to your oath—repeat after me: If I do not tell the truth in this case——"

Defendant. "If I do not tell the truth in this case."

Interpreter. May all my sheep be clifted."

Defendant. My God, Counsellor, I never heard an oath like that."

Interpreter. "I shall tell His Honour that you refuse to be sworn if you do not repeat——"

Defendant. "May all my sheep—but Counsellor, I have three hundred sheep."

Interpreter. "Are you going to repeat the oath?"

Defendant. "May all my sheep—may all—may all—may all my sheep be clifted—God help the poor sheep."

Interpreter (sternly). "May all my cattle die of the murrain."

Defendant. "Oh Counsellor, I have only three little beasts."

Interpreter. "Very well, you will be decreed."

Defendant. "But this is dreadful altogether—May all—may all—may all my cattle die of the murrain—I'm a ruined man."

Interpreter. "And may all my potatoes be blighted, and rot in the ground."

Defendant. "What ? ! !"

Interpreter. "Go on, Sir, and repeat your oath."

Defendant (laying down the Bible). "Oh, Counsellor, I'll admit the debt, I'm only asking for time."

For him or against him, I conducted a score of cases of Tom Donovan's, a horse dealer by trade, and a local politician by occupation. He sold a pair of horses to Dr. O'Dwyer, the Bishop of Limerick, and his Lordship sued Tom for fraud and breach of warranty. The jury found for the Defendant. As the court emptied, a friend observed, "That was very satisfactory, Mr. Donovan." "Go away," said Tom. "Don't talk to me. My heart is broken to think that a jury of my countrymen wouldn't believe a holy Bishop on his oath."

Tom Donovan made a lot of money, which he invested in the development of a new suburb of Cork, to reach which he built a bridge over the southern channel of

the Lee. The Duke of Connaught opened the bridge, and Tom was very proud of himself. There was, however, a matter that annoyed him. At the entrance of the bridge there was a dirty and noisome tin structure that was an eyesore and a degradation, so Tom traced the apparent owner, and offered to buy in order to remove it. The owner generously offered to give it for nothing if Tom would pay the legal costs of the conveyance. Unfortunately Tom asked a solicitor to attend to the matter, and the solicitor obtained an abstract of title which he sent to a barrister who was what is known in law as "a lunatic not so found." This means not yet found out! He was so found a few months later. The eccentric counsel drafted requisitions on title, and when these were answered, he drafted more, and finally he insisted that the donor's solicitors should prove to his satisfaction what territory was known as Twiggs Marsh, when Essex was besieging Cork. At last he was satisfied, the conveyance was executed, and Tom was sued for several hundreds of pounds of costs. I defended him; whereupon, he was condemned to pay.

In one of his horse dealing transactions, Tom Donovan learned of the existence of the statute of frauds, which required either a document or a part payment to enable him to sue a vendor on a contract of sale. Document there was none. Tom, however, was positive as to part payment—he had taken a ten pound note from his pocket in the stall when looking at the horse and had placed the money on the manger whence it had disappeared. The vendor had not received it in fact, but Tom contended that he must be deemed to have received it in point of law because the horse ate it. The digestive powers of the jury were however unequal to that of the horse: they failed to swallow this.

Challenging a jury was a matter of the gravest importance in a country where an open mind would

be regarded as less than no mind at all. In England the forensic battle begins when the jury is sworn—in Ireland it was then over—especially in criminal cases. When a small boy, I was at a sessions in Killarney at which a gentleman charged with assault undertook his own defence. In the course of swearing a jury the Clerk of the Crown called “Patrick Moriarty.”

“Challenge,” said the traverser.

“Is it me, Mike?” said the juror.

“Challenge!”

“But you’re not going to challenge me.”

“Challenge!”

“But Mike—sure I’m *for* you.”

“Stand by!” shouted the Crown Solicitor.

Crazy litigants are a feature of every court. Miss Anthony died, I think, before I came to the bar. I cannot be certain because no Irish paper dared to announce her death for fear that she should rise from the grave and sue for libel. She knew all the wretched quibbles of technical law that no one should ever have known. She knew the limitations of the right of a ticket checker to assault or restrain a defaulting passenger and for years she travelled free on every line as every ticket checker and inspector was drilled to ignore her. One of her earliest escapades deserves to be recorded.

The slopes of the wild mountain of Mellaray now bloom as a garden by the industry of the community that for a hundred years have made the monastery their home. It is a great place for “retreats,” where those for whose troubled souls the solace of spiritual peace is sought, may be consoled and find relief. Outside the walls a guest house permits ladies to share in the exercises of the church. Forty years ago Miss Anthony attended a retreat at Mount Melleray, and all were greatly edified at her devotion. When the time came to depart, she interviewed the simple Abbot—Father

Paul—and confided to him that she was short of cash, and desired a loan of ten shillings or a pound for a few days, adding that her servant had driven up a couple of fat sheep of much greater value, that might be retained by the Holy Man, until the loan was repaid. He fell into the trap, lent the money, took the sheep, and gave the lady a memorandum of the transaction. In a few days the poor Abbot was served by his penitent with a writ to recover, under an old Irish Statute, a penalty of 100 pounds, “For that he, not being a licensed pawnbroker, did take a chattel in pledge.” I am glad, however, to say that the gates of Hell did not prevail on this occasion. The lady made some slip in her procedure—I think she had omitted to give notice of action—she was refused leave to amend, and by the time this had been determined, the time limited for recovery of the penalty had expired.

I remember another lady litigant who sued the Great Southern Railway at the Tralee Assizes for damages, sustained by slipping on the platform when she was running for a train. The Company proved that this was (I think) the fourth accident for which they had been asked to pay this plaintiff—and on the last occasion she had recovered thousands on the basis of total and permanent paralysis.

The peasant’s belief in a future existence was vivid and lively, even if present prosperity were more alluring. As a train in which I was seated crossed a long viaduct over a Kerry valley, a solicitor in the carriage with me pointed out two farms lying below us, and told me that they were the O’Connell and Buckley farms. I had forgotten all about it, but he told me that I had been sent a case to advise the widow O’Connell as to a right of way over her neighbour’s land. I had delayed my advice, and the widow who was in bad health kept sending in her son to the solicitor’s office about it. At last my opinion was delivered, and the young man

returned home in great jubilation. At the door he met the doctor who informed him that his mother's illness had taken a bad turn, and she could not outlive the night. To the youth this appeared a small matter. Bursting into the sick room he exclaimed: "Mother, the doctor says you'll die in the night." The poor woman betook herself to prayer and lamentations. "Ah, whist now," said her sympathetic child. "You needn't worry about it, but when you go beyond and see my father I want you to tell him that the Serjeant says we'll beat the Buckleys."

There persisted among the Irish dwellers by the coast the ancient belief that once all living creatures were out of a ship, the ship herself belonged to no one, and the first comer might take what he could before another plunderer came along. A wreck was a gift to the parish conditional on the salving of the crew. There came ashore on the Cork coast a fine ship with a valuable cargo. In the face of a hurricane the fishermen put out from the coves of that cliff-bound coast, and by marvellous skill and daring saved the crew. Out again into the increasing storm went all the boats to the ship. The crew were helpless. The coastguards were mobbed off. Two gunboats were ordered out, but they could not live in the sea that was running. In two days and nights the ship was gutted. I was professionally concerned with an amusing sequel. My client, the owner of a large whaleboat, sued a neighbour for forty odd pounds for borrowing a pair of oars without leave. It was proved by the best of evidence that similar boats had secured an average haul of forty pounds' value before my man's boat had a chance to get alongside for want of the oars. He lost his case, and was firmly convinced that if he had conducted it himself he would have won it.

Here is another characteristic lawsuit :

A farmer in West Cork was robbed of three cows. They

were traced and the thief was apprehended, brought before the magistrates and returned for trial at the assizes. He was, however, liberated on bail. He availed of his freedom to call upon his victim in company with a mutual friend. "Look here," said the robber, "I only got twenty pounds for those cattle, and if I had sold them honestly in a fair I could not have got more than twenty-five. Now you can have twenty-five pounds if you say at the assizes that you didn't identify these cattle as being yours at all. I won't give you the money of course, until I am acquitted, but I'll secure you by giving it to our honest neighbour here, who will hand it over to you when the case is over." This eminently reasonable proposal was approved by all three. The prosecutor as so often happened, "went back on his depositions," said that he knew nothing of the cattle the prisoner had sold and could not identify them. The thief was duly acquitted. The robbed man now applied to the stakeholder for his money, but the stakeholder desired consideration. All three met again and the farmer again demanded his money. "Why should you get money," said the thief. "You agreed," replied the victim, "that this man would pay it to me for the cattle you stole from me." "I never stole your cattle," said the thief, "those were my own cattle. You swore before the jury you never owned them." Nothing remained for the farmer but to sue the stakeholder. The County Court judge was fully informed of the facts, as it did not occur to any of the parties that there was anything to conceal. They were, therefore, a little surprised when the judge said that the law would not help to get back money paid in pursuance of a conspiracy to defeat justice.

"What will your client do with the money?" a friend asked the solicitor for the stakeholder. "Oh, he'll give it back to the other fellow, of course. My client is an honest man. Besides, he could be sued for it."

"Couldn't he set up the same defence," said his friend.

"Oh, by Jove, I must tell him that," said the solicitor, and I fancy that the stakeholder rejoiced as third parties sometimes do.

What strange stories of human virtue and human weakness unburden themselves in the brief of an advocate. How are we a profession of good-humourists? Nothing but the seamy side of life can come our way. It is the misfortunes of humanity—misunderstanding, falsehood, vice, recklessness, death that brings the client to our doors. Three times I have been at the point of death, overwhelmed with the misery and responsibility of the performance of professional duty. What saving grace preserves to us our sense of humour? Sometimes it is hard to preserve it. I once stated to a jury the following story: There lived in a charming house in the suburbs of an Irish town two young women. They were of good family, exceptional education and of ample means. Their relationship was that of aunt and niece, though their ages differed only by a couple of years. Unfortunately the aunt took to drink. The house became untidy, mean, almost disreputable. The niece bravely maintained her place in society, seeking to moderate the misfortune of the aunt, but in vain. The dipsomaniac, controlled at home, sought indulgence elsewhere, and eventually the niece fled the house when an unwanted child had appeared. In the absence of all restraint, the aunt turned the once happy home into a veritable hell. Some gleams of affection for the child in lucid intervals lightened the loathsome gloom of the hopeless tragedy. The woman died a maniac. In the appalling terror of approaching end, she called in a solicitor, and made a will leaving all she had—and it was much—to the nameless child. The niece had married and her husband insisted on disputing the will of the drunkard. I stated candidly that very little

testamentary sense could have been left at the end of this miserable life, but I urged that little sense was required to effect an act of justice such as the will that I, on behalf of the child, propounded. Furthermore of all people in the world the defendant was the last of those entitled to revive the scandal of the dead, for the aunt had loved her beyond all else, loved her so dearly that having no character to lose, she had taken upon herself the shame and burden of the illegitimate child the niece had borne, whom the niece now sought to cast into the world as a pauper. The unhappy woman had not dared to resist her husband's advice to contest the will. She had hoped that the secret was buried for ever, but one of the witnesses to the will was the aged doctor who had delivered her. In no work of fiction have I ever read of love of woman for woman to compare with this.

I still keep the original of a telegram given in evidence in corroboration of a charge of assault at a trial in Tralee twenty years ago. I omit the particulars of the address but the message is a gem. "Father come quick. The Counihans is after killing me." I thought that this record should be preserved, so I stole it.

CHAPTER VI

POLITICS

THE delight in taking part in the forensic life of the country was some compensation for the disappointments caused by the course of public affairs. The resignation of Gladstone and the advent of Rosebery were severe blows to the hopes of Ireland, but there was worse to be recorded. There had commenced at home the mean intrigue of personal plot and counterplot in the ranks of the anti-Parnellite party. Dillon and O'Brien, jealous of Healy's position in the country, sought to undermine his position in the Party. It was not difficult, for Tim's impetuosity and unreasonableness were easily directed against those who would have been his friends if he had given them a chance. Healy had none of the tricks necessary to carry on the warfare devised by his enemies. The party funds passed into their control and were used in the interests of their faction. The paid officers of the organisation were turned against Tim. His friends were deprived of funds at election time, or were jockeyed out of nomination at conventions. All energy had been diverted from the Home Rule Movement, and had been directed towards the personal feuds of half-a-dozen men when the Tories returned to power in 1895. The Irish cause had lost ten years and its army was demoralised.

In 1896 the Conservative Government passed a new Land Act to remove some of the defects that judicial ingenuity had discovered in the previous statutes. The result revealed one of the most interesting examples of Parliament proposing and judges disposing.

Maurice Healy was particularly keen to reverse a well known decision in the case of *Magner* against *Hawkes*, which excluded "demesne lands," from the Land Acts. Atkinson, who was in charge of the Bill, was quite willing, so Maurice, the best of solicitors, with the aid of Tim his brother and his counsel, drafted, and Atkinson accepted, a section specially designed to let *Magner* fix a rent against *Hawkes*. The Court of Appeal then ruled that the section did not apply to the case.

A vacancy having occurred in the constituency, Willie Murphy, who had been defeated in Dublin, stood for South Kerry as an avowed Healyite. We had a pleasant but unsuccessful contest in the most beautiful district of the Lake, and Mountain and Fjord. Tim Healy was in his best humorously vituperative form. Mr. Dillon had no money in his party chest, so he was compelled to adopt as a candidate a London pork butcher who would pay his own expenses. Tim christened him "The Cats-meat Candidate," and proclaimed "Oh, perfidy, thy name is Pork." It was, however, hopeless to contend without any organisation against the political machine and Willie Murphy was beaten. It is difficult now to see what good it could have been if he had been elected. No one could have been of service to the country under the circumstances.

The only thing that Sexton ever did of which Tim approved was to christen Dillon "The melancholy Humbug." Dillon became so obsessed with his intrigue that he soon began to live up to the title. His sense of humour atrophied as his energy became more witty: not that he had ever figured as a humorist in public, but in his younger days no man had in him more quiet and good natured fun, which he manifested with a gentle smile that captivated every one. William O'Brien for awhile imagined that Dillon was planning a Duumvirate of which he, William, was to be the other half.

Under this impression O'Brien worked himself into explosive hysterics about Healy, and at last got the "Party" (dependent on Dillon for allocation of its funds) to expel Tim as a "poisoned bullet." It was not long, however, before O'Brien discovered that his position in Dillon's ideal Ireland was to be about shoe-black level, whereupon he resigned and sulked.

Eventually he re-appeared as the friend and ally and brother in vituperation, of his late ex-communicate. Thence followed the ebb and flow of intrigue and of abuse exchanged between these three. For a moment there shone a gleam of hope for better things. Tim Harrington had negotiated a reunion with the Parnellite Party. Though Dillon had protested his willingness to resign his chairmanship to facilitate this move, everyone had accepted this announcement at its proper value. At the last moment however, as Dillon was patronising the prodigal party in somewhat austere paternal fashion, and was indicating that if their good conduct continued, an allowance of calf might be issued, Tim Healy wittily but most maliciously proposed that Redmond should be chairman of the united party—and carried it. Dillon was gently subsiding, so to speak, into the chair himself when Tim's joke removed it and let him bump on the floor. The country rocked with laughter, but this piece of excellent buffoonery cost Ireland dear. Redmond became chairman with Dillon as a foe and without Healy as a friend. Tim had succumbed to the disease that had dulled his enemies. He had ceased to be humorous and had become vicious. He attacked everyone who would not abuse Dillon just as Dillon attacked everyone who would not abuse Healy. Mr. Devlin appeared in the arena to assist Dillon, with an organisation of Catholic Freemasonry, and if any fraction of what these gentlemen said about one another was true they were not a desirable quartet. There was always sympathy with Healy,

among the old anti-Parnellites since he was first attacked; but no one could defend his conduct towards Redmond. There never was a more un-Irishman than the new chairman. In joining Parnell's faction he had sinned against the light. He had none of the charm of his brother Willie, none of the virtues, or the faults of Willie's impetuosity. Jack made no figure on an Irish Platform, he was too conscious of the facts, and too conscientious to bellow forth conventional and popular falsehoods. He was slow, cautious, cynical, with a prejudice in favour of truth that was almost English. He was sincere and loyal in his friendship, but his manner chilled enthusiasm. If a story was told in their presence Willie laughed at it. Jack sneered at it. Jack was a gentleman, and thought he should behave as such, even in Irish politics. Whatever was his personal opinion about the individual, he had the sense to appreciate how desirable it would be to secure Healy's co-operation in the work of the party. Twice he risked an open breach with Dillon in attempting to secure this. He received in return nothing but abuse. In the old National League days a fortnightly meeting was held at the Central Offices. Some prominent member of Parliament, sometimes Parnell himself, presided. It was an excellent link between Westminster and the country. When the apparent reconciliation of the Irish factions was effected the Central Branch of the United Irish League was revived. It was most sympathetic towards Healy. As one of his friends and one of his active supporters on the platform and in the press, I was invited to join and I presided at a number of its meetings. Healy would not come. He said I was baiting a Dillonite trap for him. I never enjoyed his confidence again.

It was impossible for Redmond to make terms with a man, who on the subject of his personal feud was incapable of reason.

The Local Government Act gave to Ireland an

opportunity of training her people in self-government. It left indeed very little trace of "British" Government as directly affecting the lives of the people. The administration of the Act was marred as far as possible by the meddling of the party politicians, but in spite of this the County Councils were soon trained into a state of first rate efficiency and the local administration of Ireland by Irishmen was a credit to the country as a whole, until the Sinn Fein terrorism wrecked it.

To the lawyer's mill the statute brought much grist. The rural districts in some counties conducted their elections with a fine disregard for the corrupt practices Acts. In one division of a Munster constituency the various candidates met and agreed upon an impartial scale of treating the electorate. For one week before the polling certain public-houses were authorised to supply drink to all comers without charge, and to divide the expenses between all the candidates. Remote polling stations had racked on the fence outside, barrels of porter with buckets under the spigots, while inside were supplies of port wine "for the teetotallers." It was with surprise and pain that the candidates learned in the expensive school of an election petition that this fair and mutual agreement to soak the voters, avoided the election, and disqualified all who took part in it.

In the year following the Local Government Act, the outbreak of the Boer War aroused in Ireland the anti-British sentiment that had been happily dying out. Chamberlain was hated by the Nationalists owing to his conduct over the Home Rule question, and the war against the Dutch republics was regarded as Chamberlain's war, in spite of the report of the hushing up Committee that had whitewashed the Jameson raid. Irish sympathy was cordially with the two small nations who were defending their liberty and the candid expressions of Irish opinion was of some embarrassment to the

Imperialist section of the Liberal party and contributed no doubt to their débâcle in the Khaki election in the middle of the war.

The land question was, however, again becoming insistent, and overshadowed all else. Land Purchase had been a formal part of British policy in Ireland since 1870, and under successive statutes its operation had been widening. That it was the true solution of the question was apparent to everyone, but the magnitude of the undertaking frightened successive Governments. There sprang up in Ireland a demand for the compulsory expropriation of Irish Landlords and the establishment of occupying ownership. This was in fact the best policy. It could have been carried out at millions less cost, than eventually was involved in the partial voluntary measure. The Government would not fight the landlords, though in 1902 they introduced and withdrew a Land Purchase Bill that would readily have become compulsory if the landlords proved exorbitant.

The machinery of transfer suggested by this Bill introduced by the Chief Secretary was purchase from the landlords by the Land Commission, who would forthwith resell to the occupying tenants, the money being advanced by the State, repayable in half-yearly instalments. This principle was sound in every way. The parties to the bargain would be on more equal terms than would be landlord and tenant and prices would be fairer. The purchasing authority might have had power to adjust hardships and anomalies among the tenants, and to equalise the purchase money as between limited owners and remaindermen, so that tenants for life need not fear to sell, and if the scheme were blocked by organised Landlordism, the purchasing authority might be given compulsory powers of acquisition. There was already in force a code of such compulsory purchase operating on Encumbered Estates in the Land Judges Court, where purchase and re-sale was carried out by the

Congested Districts Board. The operation of this code was a great blessing to the country. The finance of the first Bill was unsatisfactory, and sales could not be effected under it except such prices as the landlords denounced as too low. The Bill, therefore, was withdrawn, and in 1903 there was passed a Land Purchase Act, which by its extraordinary sacrifice of the Treasury interests, rendered possible the voluntary transfer of estates at such prices as Irish Landlords had never hoped to see. Everyone was conciliated by money. The tenants were to get one hundred millions of money at two and three-quarters per cent., repayable by an annuity of only three and a quarter. Agents were to receive large fees based on percentages for negotiating sales, and so were the family solicitors. Twelve millions of money were presented to the Landlords as a compliment for having made good bargains for themselves. No wonder the Act worked. Landlords who were tenants for life of estates with big rent rolls, almost eaten up by incumbrances, were overwhelmed with money. If the gross rental were big enough, a man in enjoyment of only a hundred a year might receive as his own tens of thousands of pounds, while some of the mortgagees might go unpaid. The mortgage laden men all sold at once. The tenants had no idea of prices all they regarded was the amount of their new annuities, and these even at twenty-three years' purchase represented substantially less than their old rents. It was a flagitious endowment of a class at the expense of the taxpayer, but it had one great merit—it did get rid of Landlordism in Ireland. The British Treasury lost many millions, but the Irish peasant set out upon a new and hopeful career, and the great pestilence that had blighted Irish agriculture at last was cured. A number of Landlords were rich enough and obstinate enough to maintain their old relationship until they missed the tide. They have now been expropriated at dreadful loss to themselves.

With the new century there was growing a new movement wholly beneficent in its character. Irish youth had hitherto no instruction in the early history of their country. There was unconsciously accepted as indisputable the suggestions of English historians that the native tribes of the country were savages who needed Saxon or Norman intervention to civilise them. The Gaelic League was organised to inspire a knowledge of the history and of the ancient language and customs of the country. In spite of tremendous difficulty it succeeded in creating something that came near education, and that provoked thought. Its true mission was obstructed by the very enthusiasm it aroused. If the English school of historians belittled the natives, there arose an anti-English school that assumed an attitude still more absurd. In the Athletic Association that miscalls itself Gaelic, if the defeated are to be believed the best team never wins. The best team is always beaten, but beaten by treachery and trickery and fraud. So in spite of much scholarly restraint the historians of the Gaelic League sought to prove, that every anti-English party that had from time to time appeared in history, was led and directed by unmatched courage and genius, and was supported by the heroism of the whole Irish people. They were always beaten, but beaten by treachery and trickery and fraud. It was considered unpatriotic to suggest that the characters who figured in opposition to English rule, were human beings who sometimes failed by their own folly or by the miscarriage of their own selfishness. It was blasphemy to point out that the greedy and unscrupulous alien could never have possessed the island if at any time there had been an Irish Nation united to resist him. Enthusiasm resented judgment. Most of the essential materials for the formation of judgment upon the history of Ireland have now been destroyed in the blowing up of the record office by the "Patriots" of the secret

societies. Study of the ancient language was at first protected from the follies of enthusiasm by the difficulties of the task. As a living language Gaelic had ceased two hundred years ago. Its remnants survived as the primitive dialect of a primitive people in the mountain glens, but it had ceased to be the vehicle of contemporary thought. As a literary language, it had died still earlier. The educated gentry of the sixteenth century and their scribes aspired to a display of proficiency in Latin. The savagery of Elizabethan and of Jacobite government in Ireland, burned innumerable old Gaelic manuscripts, and put an end to native literary life. What literature survived was in ancient characters burdened with all the anomalies and survivals of an impossible orthography. Its worshippers called this "Irish Phonetics," apparently thinking that the principles of phonography differ in different countries. The petty schoolmasters of the country pronounced in favour of retention of all the encumbrances. Some English spelling is puzzling, but when we are told that Chraiodhe is the monosyllable that a phonographer would write k.r.i., we appreciate the burden that the Gaelic Leaguer had to carry. He bore it bravely and the language movement went forward until it was rendered anti-National by two proposals. The first was that the study of "Irish" be made compulsory in the schools. The second was that "Irish" be forced upon the people as their ordinary speech. The first was most injudicious, the second was an impudent absurdity. The Gaelic tongue had only a trivial vocabulary, sufficient for the mountaineer to talk about the simple matters of his simple life. Of the scientific development of humanity, its needs, its ideas and its equipment of the present day, the Gaelic language knew nothing. There did not exist any Gaelic words fit to express the ordinary spoken intercourse of our time. Ignorant enthusiasts thought nothing of that.

They undertook to invent a vocabulary, and as every member of the band had equal authority, Humpty Dumpty's ideal became realised; when any man used any word it meant whatever he wanted it to mean. The Coercionists accordingly produced the pidgin "Irish" dialect, which is now used in the schools, to dull and stupefy the children of the country.

There was no love lost at any time between the Parliamentary Party and the Gaelic League, whose activities were felt to be an attack on the futility of the Party policy of keeping the country at a standstill until Home Rule should be granted. The progressive ideas of the League soon spread to business enterprise. The professional patriots assured the people that there was no use trying to help themselves under "British" Government. The Gaelic League refuted this. "British" Government (what there was left of it) might be very bad, but the Irish people might find some more profitable occupation than whining about politics. Without any Government assistance Ireland had ample opportunity to help herself to a higher standard of education and prosperity. Any form of protection would, of course, be disastrous to a purely agricultural country, but the business men of the towns were urged to invest in the industries that are naturally collateral to agriculture and the farmer was urged to effort and enterprise in production. Self Reliance (Sinn Fein) was the note of the new propaganda, and not for the first time the people were urged to give in their purchases preference to Irish manufacture, where the native product was as good and as cheap as its competitors. The Sinn Fein movement was a welcome relief from the dead hand of party politics. Again enthusiasm outran discretion. The belief in the outlook of all enterprises undertaken by Irishmen, led many foolish persons who knew nothing of commerce to form companies to embark on business ventures. For a time

I found myself a director of a limited company, whose self-reliance was unlimited and whose judgment was unsound. A more sinister feature of the time was the utilisation of the spirit of the new movement to start industries on the basis of underpaid woman and child labour. There were many mistakes, but the movement for a time swept away the mean-minded and degrading doctrine that the people should be maintained in discontented ignorance, in order that their resentment might be turned against the British Government. Linked with the language and industrial movement, there arose a literary coterie that helped to bring the whole to ultimate disaster. The defects of the educational system were apparent among no class so strikingly as among the schoolmasters. Where sense and judgment were most needed, they were most rare. The composition of phrases was regarded by this class, as a much more important function than the cultivation of true ideals. The note of falsehood is the distinguishing feature of their prose and rhyme. It was an article of their religion that to tell lies in fine phrases was a noble thing, while to tell truth in simple terms was "British." The whole tone of their output conveyed that Ireland was a poor, starving, downtrodden country, where a cruel tyrant maintained the people in slavery. It is quite probable that these writers did not know, and it is quite certain that they did not appreciate, that in practically all the things that mattered Ireland was governed, as Ireland was owned, by the Irish people. Two departments were "British," the legislature and the higher patronage in administrative appointments. There was, however, no urgent reform that called for legislation, and public opinion gave no support to the campaign against jobbery. While, therefore, there was a Constitutional grievance in the unjustifiable intrusion of English influence in Irish affairs, there was nothing to justify the new literature. One constructive idea, and that a

poor one, emerged from the new school. A Welsh journalist, Mr. Arthur Griffiths, discovered that the Hungarian National movement had benefited by the refusal of its elected representatives to sit in a Union Parliament, and by their insistence on meeting together and acting as a purely Hungarian legislature. Griffiths proposed that Irish Parliamentary representatives should do the same, should cease from attendance at Westminster and set up an amateur Irish Parliament. Under the conditions that prevailed in Ireland the proposal was recognised as absurd. The country was not foolish enough to take it seriously. Its advocates were known as the Green Hungarian Band, and were about as influential as an orchestra. Of the sincerity of these people in their belief that they were endowed with the genius of statesmanship, and that the country would benefit by their schemes no one can doubt. When, however, the country rejected their scheme by overwhelming defeat in all local elections their sincerity in their admiration for themselves and for one another was a poor excuse for their subsequent appeal to terrorism. It was among the schoolmasters and the "poets" of this group, that eventually the Clan Na Gael found the agents to attack the National movement.

When Griffiths had proved to the satisfaction of his mutual admiration society that Irish political action should be modelled on that of Hungary, imitation of Hungary in other respects began to be debated. One of the Sinn Fein theories was that Irish economic development was restricted by excessive railway rates. Confusion of rates with fares followed, and eventually there arose an agitation to compel the adoption of the Hungarian "zone" system on Irish Railways. In time one Railway Company became converted to this new remedy for Erin's ills. The Blackrock and Passage Railway is not, perhaps, as widely known as it deserves to be. It is now more than twelve miles long, but at

the date of its Hungarianisation, it manipulated a toy train between Cork and a little village seven miles down the river. To these seven miles the "zone" system was applied, the stations being divided into three zones. I do not know what effect, if any, was produced on the traffic receipts, but the three directors became known as the three zones, one being brusque in manner was named the horrid zone, the next being convivial was the intemperate zone, the third being susceptible to beauty was the devil's own.

CHAPTER VII

TAKING SILK

IN 1905 the long reign of the Unionist Party was clearly coming to an end, and interest in Irish affairs began to quicken again. Not that in Ireland the situation was any better among the professional politicians. Their quarrels were disgusting. To the mean vituperation of the triangular duel of Healy, Dillon and O'Brien, Mr. Devlin was adding more bitterness through the sinister element of the "A.O.H."—the Ancient Order of Hibernians, a sectarian secret society. The Irish politician in the open was degenerate enough. Political intriguing in secrecy was calculated to develop all that was cowardly and shameful, and dishonourable.

In England as far as we could understand it there was being played a delightful comedy. Chamberlain (our *bête noir*) had gone off the deep end into the Protectionist pool. Again he was reviving the pleasing policy that England could encourage her home industries by raising prices, taxing imports so that they could not come in, and at the same time deriving enormous revenue from duties on the merchandise that was thus kept out. There were no ships in Birmingham, so the enterprising statesman was not concerned with the industry that was to carry nothing outwards (since the home market consumed home manufacture), and was to carry nothing inwards to compete with protected trade. Mr. Balfour, we gathered, was too intelligent to believe in this, but he did not seem to be sure that the electorate might not believe in it; so he arranged that Chamberlain should leave the Cabinet, and then convert that lone,

deserted body by winning the populace outside. To make conversion easier he accepted the resignation of such of his colleagues as said that they could not remain in office with Chamberlain who (unknown to them) was in office no longer.

This was delightfully "clever," but like all cleverness in public life it seemed to be fatal to the cause that it professed to serve, and the old Toryism of Lord Salisbury was ended for ever by the general election. During the campaign I transferred my activities to England and Scotland. I had served too long with Tim Healy ever to oppose him, but he now represented nothing that claimed allegiance. With his enemies, I had nothing in common and their word I could not trust. Apart from the North, where my heart was ever with our gallant people in their battle against bigotry, there was no arena in Ireland in which I could take part in the conflict. It was a most impressive experience to participate in an English election. The extraordinary love of freedom of opinion, the toleration of public speech, the desire for fair play, that characterised the British public was a revelation to me. In England the dissentients in an audience listened respectfully and at the end of the meeting asked questions. On one occasion in Ireland I went off to help my brother-in-law at an election and a dissentient projected a broken porter bottle for my investigation that wrecked one side of my face. Even in Cork this was considered an infraction of the rules, and my wife who had been only a week in the country at that time formed a very low opinion of our controversial methods. It was a real pleasure to have an opportunity of reasoning in public with an audience that would not only listen, but would think of what one said.

The advent of the Liberal triumph found Ireland at peace. The Land War that had been the source of all the social disturbance of two generations had come to an end. The native peasant was becoming "Lord of the

soil he tilled" under the Land Purchase Acts. Evicted tenants were soon to be provided for. The chasm between the resident gentry and the Irish people was bridged and was filling up towards obliteration. The problem of rural housing was solved. The land was happy as it had never been before.

The political situation was baffling. Irish National aspirations were confronted by the Parliamentary phenomenon of a friendly government so powerful that it could ignore the Nationalist vote, and so detached that it had no Irish policy. The Home Rule sentiment was stronger than ever, commanding the support of citizens of the highest type, despite the ambiguous position of Mr. Redmond as the Chairman of a party that he was not permitted to lead. The Liberal Government would not deal with Home Rule in the Parliament which they dominated. The question arose how would the Home Rule movement stand when that Parliament was dissolved. The foundations of anarchy were laid by an unscrupulous section of the Irish Party who intrigued to procure the dropping of the Arms Act. Of the very existence of this statute the people were practically unaware. In a civilised community of decent and orderly persons, there is no demand for lethal weapons. An uncontrolled supply of firearms is the first step toward the domination of the bully. In Ireland neither the farmer nor the sportsman had the smallest difficulty in obtaining a permit to have and carry a gun, however humble might be his position in life. The keeping of a check upon the distribution of firearms to the very slight degree to which the statute imposed it, was a benefit desired by every ordered state. There was no grievance. The advocates for the change ignorantly quoted a phrase of the eighteenth century lauding the "right" to bear arms as the heritage of freemen. It was in truth a variant of the sentiment that gentlemen had a "right" to the "satisfaction" of killing one another upon a

quarrel. What was behind this intrigue? It was the cowardly and disgraceful intent to arm the undesirables so that an unpopular government in the future might be embarrassed by a recrudescence of outrage. That such a scheme should for one moment have been tolerated, promised ill for the prospects of Irish liberty. Armed secrecy is the meanest and most cowardly of tyrants. In degraded servitude the soul of Nationhood departs from the community where the murderous bully is accepted as a patriot. The Irish National movement had from time to time aroused the fierce enthusiasm of the thoughtless and the ignorant, but its foundations had been laid by great men who knew that in the peace and kindness and in the guidance of the wise a land finds freedom.

It was the spirit of self-sacrifice and of toleration that had led our people onwards and upwards in the darkest years. The proposal to put the peaceful peasantry of Ireland at the mercy of glorified moonlighters, was a betrayal of her cause. The project of arming the undesirables went on. The men who conceived this imagined in their vanity that armed disturbance was something that might be let loose at will, and whistled up to heel when occasion served. Like every stratagem of clever dishonesty, this unprincipled adventure recoiled upon its authors. The Arms Act was dropped. The Irish Party and their cause were swept into oblivion in consequence.

The country was happily slow to appreciate the blessing of trade in pistols at seven and sixpence each and some time elapsed before they became popular; but on the dissolution of the Parliament four years later a Munster Priest complained that three hundred revolvers had been sold within a week in his parish in anticipation of the general election. Fortunately very few persons attempted to fire these things, and injuries were providentially rare. The two cancers, secret organisations

and the acquisition of arms, slowly ate into the vitals of the National movement. In rivalry to Mr. Devlin's A.O.H., or "Board of Erin," there spread the A.O.H. of "the American Alliance," a tentacle of the Clanna Gael. The two most Irish of Irish bodies, the Gaelic League and its industrial section Sinn Fein, commenced to feel the symptoms of disease. The Constitutional movement was undermined. When thoughtless men incite boys and girls to babble about taking up arms and fighting for freedom, there is grave danger to the stability of an ignorant and uneducated community. Parnell had the genius to provide a safety valve. Young men of promise in his day might hope to be welcomed into the ranks of his party, even if their ideas were a little wild. Within the Party they might learn sense. Dillon however had closed the Party against all but his personal adherents, and he had failed to attract the representatives of the younger generation. The suppressed youth plotted and orated in the penumbra of public life, and prated about liberty. What he meant by the word he never asked himself. To the unfit had been accorded liberty to arm themselves. In due course they would acquire liberty to use their arms in destroying useful citizens, to whom would be granted liberty to be oppressed. There was no Nationalist protest, lay or clerical. The domination of party politics forbade that liberty. In place of fostering preparations for violence it was the plain duty of the Irish Party to have secured peace. The opportunity was ample. The powerful Liberal Government was ready to regulate Irish Administration in accordance with Irish ideas as voiced by the Nationalist Party. The predominant Irish idea that had been uppermost in the minds of old Nationalists had been the abolition of jobbery. For anti-Irish administration the jobbery machine was essential. British Government in Ireland would have had few friends if the spoils system had not provided it

with the means of purchasing them. There was no Nationalist who had not denounced the intolerable bribery of party patronage or who was not pledged to end it. A great deal of the opposition to Home Rule in the ranks of the Ascendancy was based upon an honest fear that the Catholics in Ireland might use political power as the Orangemen used it to proscribe those who were not their sycophants. The time had come when it was in the power of the Irish Party to reassure the Protestants of Ireland by a reign of justice. The jobbery machine however, was kept working, oiled and sharpened. The unprincipled patronage of the Whigs was even less decent than that of the Tories. The country was given to understand that when Home Rule was passed *of course* principles of justice and fair play would become universal and that in Ireland a career would be opened to talent. For the present, however, a candidate for public office would be expected to produce the receipt for his subscription to the party funds. Critics of the Party were *hors concours*. This dastardly performance eventually defeated Home Rule. There was no use in telling the proscribed Conservatives that when he was still more powerful, and when they were still more helpless, they would get justice from the gentleman who now refused it. No person believes in such promises. A great mass of honest Irishmen became convinced that under Nationalist Home Rule, they would be reduced to slavery.

Butt grumbled about political jobbery in his day but accepted it as an established institution sanctioned by usage. In his day political patronage was tempered by the tradition, that of party claimants the best should have the preference. It put upon the judicial bench Palles, Fitzgibbon, Porter, and Andrews, men whose superiors I have yet to meet. After 1886 the preference of the best began to disappear, then even decency was discarded, and in recent years some transactions were as

flagrant as cash sales. Caligula must have provoked some comment when he appointed his horse to an office. The British Government did not draw the line at horses.

As far as it affected my profession I was determined to fight this thing. I had already re-organised the Bar Council with a view to a tussle with the politicians. The first attack on the Bar was made by the Lord Chancellor (Sam Walker), by the creation of a number of King's Counsel whose qualifications for the position consisted in having subscribed to the Irish fund of the Liberal Party. I was invited with some other practising barristers to join this call, but I replied that it was no compliment to me to be offered a silk gown under such circumstances and I would not take it. A second "call," including a number of politicians, followed. I then ascertained that Walker had promised that the first three vacancies in the County Court bench would be filled by the appointment of three men not one of whom had the smallest pretension to being called a practising barrister. I went to him and in plain terms told him that if he appointed any one of the three, I would challenge the legality of his action if it cost me the gown on my back. A vacancy occurred in a county on my own circuit, and Sam appointed the most vulnerable of the trio, my ancient friend and colleague of journalistic days, Mathias Bodkin. It was more than seventeen years since he had ceased even to pretend to practise at the bar. For many years he had been engaged under a whole time contract at other employment. The statute required that the man appointed should be a practising barrister who "ten years at least next preceding his appointment should have been in actual practice in the Superior Courts." My brethren on the circuit undertook to advise clients that this "Judge" had no power to try their cases, and the first defendant who was summoned to the

County Court under its new president put himself in my hands and I applied for and obtained a conditional order for the issue of a writ of *Quo warranto* to which there could be no defence. The Lord Chancellor had never taken the trouble to read the statute under which he made the appointment, or he may have thought that I would be afraid to attack him. The situation was desperate, and a desperate remedy was tried. A Liberal Government sent in its Attorney-General and Solicitor-General to move to discharge my conditional order on two grounds; first, that the King's prerogative of appointing judges was absolute. "He might appoint a washerwoman?" enquired the Chief Justice, to which the Attorney-General foolishly assented. The second point was that the Attorney-General on behalf of the Crown was entitled to nullify the issue of a "Crown" writ, e.g., *Quo warranto*, *mandamus*, *certiorari*, etc., by entering a *Nolle Prosequi* the moment the writ issued. This sounds very confusing. The plain meaning of it was that no matter how illegal was the act of the executive on behalf of the Crown, the courts could be prevented from investigating the matter at the will of an official of the government whose action was challenged. We had three days' delightful argument. I had the whole Irish Bar on my side and was indebted to others for the two best features in the case. One the re-publication of Chief Justice Cockburn's most relevant letter, written on the appointment to the Judicial Committee of Sir Robert Collier, and the other was a good joke.

Very shortly before these proceedings the jewelled regalia of the order of the Knights of St. Patrick had disappeared from Dublin Castle. The rumours as to the circumstances of their disappearance created an exciting scandal affecting many persons in high places. A Commission reported on the matter and told the public everything about the jewels except what the public

wanted to know, namely, who took them, and this interesting mystery still inflamed the community while the fate of Bodkin and the British Constitution trembled in the balance of the King's Bench. In borrowed phrase I said "The Attorney-General claims that all the prerogative writs are at the mercy of the executive. He names, prohibition, *quo warranto*, *mandamus*, *certiorari*, and what about *Habeas Corpus*? Mr. Pickwick's magisterial friend Mr. Nupkins might well have declared that these were the brightest jewels of the British Crown: are they going to disappear like the other Crown Jewels?" Mr. Bodkin's friends had more sense than the Lord Chancellor and the Attorney-General. They did not believe in these prerogatives. They squared my client, my retainer was withdrawn and the case ended. The unqualified Mr. Bodkin still retained his office, but the Lord Chancellor did not dare to deliver the goods to the other purchasers.

Very shortly after the Bodkin case, "Pether" summoned me one day to his chamber professedly to compliment me. He told me that Sam Walker was so incensed at my conduct that he would never give me a silk gown when I needed it, but that the Lord Chief Justice had the right to nominate a "silk" at every call, and I should be his nomination at the next. He then in a casual manner mentioned the job that he wanted me to do for him. I declined the task and the reward, and added that if the Lord Chancellor wished for another fight over a professional matter he should have it. On the spur of the moment I sat down and wrote an ultimatum, stating truly that I was physically unable to cope with my work at the junior bar and had determined to take silk. His Lordship would therefore arrange accordingly. I received in reply a most humiliating document. It was not only the most generous, but also the kindest letter possible. It assured me that whatever divided us elsewhere the

writer sincerely desired to see me the Leader of the Irish Bar, and that any day I wished I could have my call. I was ashamed of myself, first for insulting Sam, secondly for believing Pether. Thus I became one of His Majesty's Counsel.

In the year 1908 there should have been passed a large and trustful measure of Home Rule. The circumstances of the country were about that time the most favourable that ever occurred. There was a real sincere and widespread feeling among Nationalists, that the ending of the Land War by Land Purchase should now be crowned by the welcome back into National public life of the educated classes, who had been alienated from the Home Rule movement since 1879. O'Brien and Healy sought to foster this sentiment and enlist the gentry on their side.

Among the Landlord class, Lord Dunraven had taken the initiative and while still opposing "Home Rule," had been advocating "devolution," the transfer to an Irish representative body of the most important function of the Government, the control of the financial administration of the whole country. Before the Balfour Government disappeared, it had flirted with this movement, putting the office of Chief Secretary into Commission between a Conservative and a Liberal, the Chief and the Under Secretaries, who were practically equal. At the same time the policy was "officially" repudiated.

The Orange men were hostile, but it was clear that the best class of the community was willing to co-operate in some Home Rule measure. Redmond privately favoured an appeal to the late landlord class, but as Healy advocated it Dillon was against it. That was Irish statesmanship of the day. Had Home Rule come within the next two years the Irish Nation would have commenced its career under the best auspices. The educated Nationalists, the Protestant gentry, and

the Northern commercialists could have assumed the Government of Ireland with no urgent problems to face. Administrative reconstruction might have quietly progressed. There were no matters of controversy demanding Legislation. Butt in '75 could have formed an Irish Cabinet whose personnel would have stood comparison with Westminster, but the Land Question would have reduced his Government to chaos in a few years. Parnell would not have dared to call to his aid competent Irishmen of his own class to form a representative administration, and he also would have been faced by the insoluble problem of Landlordism. These difficulties, personal and political, had practically disappeared, but the tide was missed. The "Party" settled down in the old blind rut. Redmond's friends within it died away. The power of patronage strengthened Dillon's following. The personal squabbles, undignified and degrading, between Dillon, Devlin, O'Brien and Healy killed all interest in politics in the minds of the best citizens. Home Rule again loomed as a tyranny before the Protestant population. That there would have to be some special provision for "Ulster" in any scheme of Home Rule was becoming plain. There was no attempt to conciliate honest prejudices. Until these had been dissipated nothing would be done on the Unionist side to rid the North of its disgraceful bigotry. It is perhaps hardly fair to blame the British Government for its failure to recognise this development of the situation. No Irish "Statesman" faced the facts. The official Irish Party attitude was that eventually the North Easterners would be compelled to submit to Dillon government. Even that would have been better than what has happened, and had the spirit and the courage of Gladstone been remembered by his party that at least would have been accomplished. Clearer vision would have seen that the time was ripe for a nobler enterprise. It was frequently pointed out by

those who later formed "The Dominion League," that Canada had found a means of providing a common nationality for the hostile peoples of her settlements. Ireland should have been given the constitution of Canada, with three provinces, for North, Centre, and South. If there had to be an "Ulster," it should have been a big Ulster controlled by the educated Unionist element, but not bullied by bigots. The autonomy of the Provinces should have been almost complete. The light bond of Dominion authority could have been trusted to grow in good will. None of this was done. The most powerful "Liberal" Government in history produced only an "Irish Councils Bill," an insolent manifesto of the suspicion and distrust of the Liberal Imperialists. The Irish Council was to have powers of financial administration—so long as their conduct was approved by the British Government, but their resolutions might be set aside and orders of the English Executive substituted by decree of the Lord Lieutenant. We Irishmen were thought to have been most unreasonable in taking offence at this mean minded measure. It was of course rejected. No further overtures were made on any side and Ireland was ignored by the Government. Fortunately that island was too pre-occupied with the working out of the Land Purchase schemes to resent the contemptuous pose of her professed friends. Her enemies were active enough. The Ulstermen enlarged their influence with the Tory party until they achieved a command in its ranks utterly disproportioned to their worth.

There were no tears shed by the educated Irishmen when the Parliament elected in 1906 came to an end. The General Election of 1910 found me in Scotland speaking on behalf of the Home Rule candidates and later in the best and bravest of the Irish constituencies, North Tyrone. Here, indeed, was an example of Patriotism that put the Southern Provinces to shame. The

factions that discredited the constitutional movement in the rest of the country, failed there, and in Derry, to break up the Nationalist organisation. There was no disaffection in the face of the foe. On the register the Catholics were outnumbered by about thirty. Their self-sacrifice and loyalty held the seat time after time by a majority of less than ten. In the whole constituency more than ninety-seven per cent. of the living electors went to the poll. Discipline was splendid on both sides, but ours was the better. It was a real pleasure to take service in a contest waged in the old National spirit and it was a welcome escape from the sort of warfare that went on elsewhere.

There were some interesting petitions following the 1910 elections. I appeared for the petitioners in three that were of some significance. Tim Healy had been beaten in North Louth and the petition revealed that his opponents had resorted to the most cowardly methods of violence and defamation. The return was set aside. In a later case, Mr. O'Brien challenged the election of his opponent for East Cork. This was the strangest election petition that I ever conducted. The petition was lodged before the elected candidate had made a return of his election expenses. It was notorious that the Dillonite party spent unlimited sums in popularising their nominee. With a petition facing him he made his return, apparently in accordance with the statute and verified by declaration equivalent to an oath. The trial revealed that the return was ludicrously false. That there were large untraceable sums spent was pretty certain, but the monies that were traced far exceeded the figures in the return. I knew the respondent personally and I was amazed. The monies had been paid by himself and could not have been forgotten. He proved a story that I hope will not be heard again. His agent had presented the return to him to verify, and the candidate had refused to swear

to it. The Dillonites headquarters were consulted and an utterly unfounded "legal" explanation was given of the omission of large expenditure. To clinch the matter counsel's opinion was procured that he might "safely and honourably" make the declaration submitted to him. "Safely" proved to be a most misleading phrase. "Honourably" was upheld on the part of the man who was deceived. His counsel withdrew from the bar at the trial and gave evidence in the witness-box. His confident advice appeared to have been given in response to an imperfect telephone message, and on most inadequate instructions. The case was an unpleasant experience of the possible traps of professional life.

The third petition I record because of an episode that followed it. The respondent was the head of a widespread section of my own clan. The family methods of conducting the election were more vigorous than is sanctioned by law and the trial involved the investigation of some features of canvassing, including the capture of a polling booth, that would strike an English Returning Officer as irregular. The case occupied the inside of a week, and resulted not only in unseating the candidate, but in having himself and most of his active relatives and friends "reported" to the House of Commons for intimidation and disqualified for a term of years from holding public office.

The work had been most arduous and anxious, as election petitions always were, and at the end of it I was badly in need of relaxation. I took my rod and went off for a day's fishing. I had the good fortune to hook a salmon; and while I was playing him, a group of men came to watch me at the other side of the stream. I looked up and recognised the candidate, who by my efforts had the day before been unseated, and a group of his relatives. I then remembered that the place where I was playing my salmon belonged to one of them. Of course I had not thought of asking permission

to fish. For years I had fished, shot and ridden where I liked with the cordial welcome accorded to Members of the Munster Bar, by the people of their province. When I landed my salmon, I perceived that two of the largest and most able bodied of the group were wading across the shallows at the tail of the pool. For a moment I most unworthily suspected that they meant to throw me into the water, but to attempt to run away with a rod and gaff and salmon seemed not only undignified but futile, so I stood my ground.

"Good morrow, counsellor! that was a great beating you gave us yesterday!" was the salutation. "You certainly had very bad luck," said I.

"We are ruined altogether. We are all reported and disqualified, and we haven't one of the name to put up for the next election. Tell me, counsellor, are you free of the other side?"

"Oh, the whole thing is over now," I said, "there can't be any appeal in an election petition."

"Well, counsellor, Eugene" (the defeated candidate) "sent us over to tell you, we want the name to be kept up in the country, and if you're free now, we'd like yourself to stand, and no one would stand against you."

Only in Old Ireland could such an interview have taken place.

A good deal of Liberal Imperialism had met with defeat in 1910, and the position of the English parties again placed the Irishmen in a position to command attention. The movement for Irish Legislative Independence had suffered badly in the preceding five years. The administration had been thoroughly bad. No one accepted responsibility. The Irish Party had been secretly undermining its own position and consolidating its enemies by jobbery. Thus weakened morally, but reinforced by the Parliament Act, the Liberal Government set out again on the path of Home Rule.

There was an adequate Parliamentary majority : there was time : there was the Parliament Act. Dillon was certain that Ireland would soon be his own, so he would make no concessions.

The Home Rule Bill was introduced.

The preparations in Ireland for the reception of this measure exhibited a scene of competitive criminal folly that has never been equalled. Instead of revolvers at some shillings a piece, Mauser rifles commenced to pour into Ulster. The "right" of irresponsible persons to acquire Mauser rifles, was the sacred heritage of freemen as vindicated by the dropping of the Arms Act. Drilling became universal. An illegal army sprang up trained and officered by His Majesty's soldiers. Far worse than all this was the conduct of the Protestant Divines. Officers of Christian Churches commenced to preach that it was the right of their political friends to arm partizans to resist the administration of public law, and to set up a "Government" for themselves if they disliked the measures of the established authority. Their creed has fructified since in blood and flames.

There was no counter propaganda from the Catholic Church. The taint of unprincipled politics had for many years affected that organisation, and as their taste for prominence in political controversy increased, the clergy cared less for preaching doctrines that were so difficult to make acceptable to party organisers. There had indeed been some appreciation of how much the Church had suffered from the activities of its officers during the Parnell "Split." There was a tendency to discourage clerical excursions in the arena of public quarrels. There was, however, no doctrinal instruction in the principles of Christian politics in the schools, in the seminaries or in the pulpits. The degrading cult of popularity worship was robbing the young of moral courage and preparing them for servitude. The Orangemen proceeded with their arming and drilling.

Their insolent adventure should have been crushed, and their insolent leaders should have been dismissed from their titles and their offices and sent to gaol. The members of the executive, however, were hampered by their Nationalist allies. Attempts to prosecute might have elicited the publication of ancient speeches that would have rendered it difficult for some Irish politicians who wished to save their faces rather than save their country. Owing to the dropping of the Arms Act, rifles of the Ulster Army could not legally be seized. A feeble effort was made to limit their importation by proclamation under customs law, but the Government could not trust the courts. In England the social influence and wealth of the Conservative party were devoted to spreading disaffection among the officers of the army, that culminated in the Curragh Mutiny. Parliament was defied by a military clique, whose leaders openly advocated rebellion. That the men who were responsible for these crimes, who never made atonement, who never ceased to boast of their contempt for the law, were advanced to high offices in the State, while their vulgar imitators were shot, must remain for ever an indelible disgrace to the boasted impartiality of British justice. With appalling folly the Nationalists proceeded to drill and arm, clumsily and inefficiently. The leader of a Constitutional movement became involved in organising an irregular force to suppress a band of criminals that he would not permit to be prosecuted according to law. The Irish National Volunteers eventually split into two bodies, one controlled by the Parliamentary Party, the other run by a secret society. The Party Volunteers had no policy, but the Sinn Fein army set out from the start to impose its domination on Catholic Ireland by force, and terrorism and crime. Almost unobserved in the welter of volunteering, arming, drilling and bluffing as carried on by more pretentious

persons, a sinister corps now grew under the title of the "Citizen Army." It was communistic. Industrial Ireland had for some years endured warfare with Mr. James Larkin. He was a man endowed with many of the best qualities of leadership, which he used to the best of his ability for what he honestly believed to be the benefit of his class. In much of what he did he was a benefit to it. The condition of wages and employment in Ireland with regard to the humblest class of workers, and especially with regard to woman and child labour, was a disgrace to a community calling itself Christian. He raised the downtrodden. The only language the Irish Capitalist then understood was the strike, and Larkin instituted a policy of perpetual strike. The terms granted and solemnly accepted to-day were to be repudiated to-morrow. Such was his first commandment. He travelled from socialism to communism, and thence to anarchy. The utter destruction of society appeared to him the only remedy for oppression.

I knew him well. I often told him that he was an intolerable curse to Ireland, but that I did not see what chance his creed among his class ever had to become anything else. He taught something that the ignorant workers could understand. The venerable people in charge of Irish education taught nothing at all to employer or employed. The doctrines promulgated by the Labour leaders were in direct controversy with those which should have been taught by the Catholic Church. The attack on Christian Doctrine was so notorious that the Bishops met and considered what means should be taken to prevent the spread of evil instruction. There was no difference of opinion as to the condemnation of Messrs. Connolly and Larkin and of the creed they professed, but when it came to an authoritative pronouncement on the great social question of the relations of Master and Servant, one Prelate

found himself in a difficult position. If what Larkin said was wrong, what the Dublin sweaters did was worse. Condemnation of the ignorant men who preached communism, would in justice require condemnation of the capitalists who defrauded the labourer of his hire. The temper of both classes would not be improved, and their ill humour might be manifested in acts of hostility to the Church or to its officers. The communists had control of the mob. The smug employers of underpaid women and children had control of the collection plate. They were the munificent patrons of religion, charity, and patriotism, and with their practical commercial training they might be driven to an enquiry as to what they were getting in return for their carefully invested subscriptions.

It would be difficult for Pastors to continue to live easily and peacefully between them if the upper and the nether mill stones were set in motion. The prudent Prelate excused himself from subscribing to the proposed manifesto on the grounds of expediency and further succeeded in establishing a rule, that the Hierarchy would issue no public pronouncements that did not secure unanimity. Expediency therefore left the Irish workman to become the prey of the communist. The apostles of disorder and of the overthrow of civilised society continued to spread their poison in the ranks of humble men who believed themselves to be staunch upholders of the Catholic Church. The apostles of Catholicity deferred preaching the Gospel in consideration of the susceptibilities of those who did not like the obtrusion into mundane affairs of the foolish theory that the labourer either was or should be worthy of his true wage. The Church had taken a serious step towards abdication.

Out of Larkin's disciples was formed the Citizen Army. Its policy could be well guessed, though in public it traded upon the conventional catch cries

about freedom and the British Government. It was the ally or the cat's paw of every project for the promotion of unrest, and its ignorant leaders accepted every doctrine of international social revolution. Of all the armed forces of Irish politics, this was one obviously likely to be served by the activities of all the others in the undermining of social order and of settled law.

Connolly desired to let his army loose on the police and the Civil Officers in 1913, and proposed this at a meeting of the "Transport Union," to which all the communists belonged. Larkin refused to receive the motion. Connolly demanded that it should be put and asserted that Larkin was but a servant of the meeting. "I'd have you understand," replied Larkin, "while I am General Secretary, I am the head and the tail and the dog himself."

A Government that has not the courage to govern invites contempt, and excites hostility. The volunteer armies were designed to fight with one another, but in their dislike of the Executive, there was little to chose between them.

The Northern aristocrats demonstrated that it was easy to raid and hold up a small town for a considerable time, and that arms could thus be run in large quantities. They also showed that they could infect the officers in the army with principles of indiscipline. The theatrical performers of the Nationalist movement gave a foolish exhibition of gun-running in poor imitation of the Northern episode. Its organisers were treated, however, on a different footing. Vulgar Irishmen it appeared had no right to behave like Tory Privy Councillors. Not only police but military were called on to interfere. Popular feeling was excited against the troops. An angry mob followed them in the streets, some missiles were thrown, a file was halted and faced about. A rifle went off, and thinking that an order had been

given the soldiers fired into the crowd, with fatal effect. The moves and countermoves of armed folly were bearing fruit. The game of volunteering was being paid for in Irish blood. I was retained by the Corporation of Dublin to represent them at the inquest on the victims and subsequently at the enquiry before the Royal Commission. Before either of these proceedings opened a great catastrophe had effected a vast change in the sentiment of the people and Ireland had found her Nationhood.

OLD IRELAND

PART II

THE BIRTH AND DEATH OF A NATION

“And yet since last thy chord resounded
An hour of praise and triumph came
And many an ardent bosom bounded
With hopes that now are turned to shame.”
—*Moore.*

CHAPTER VIII

A NATION GOES TO WAR

AGAIN the Prussian had turned on France. The shock of this calamity was deeply felt in Ireland, and through all Nationalist hearts throbbed the anxious question—what would England do? Whatever might be the answer, there was the dull and uncomprehended conviction that many an Irish boy would find a soldier's grave abroad, even if Britain once again stood neutral as in the days of 1870. Since the flight of the Earls and the decay of Spain, Irish aspirations had linked themselves with the fortunes of France. There has been no campaign in Europe for two hundred and fifty years in which an Irish name has not won honour and renown in the French service. We have ever dreamed of Flanders as the field of glory of the Irish Brigades. Even in '70, most distressful Ireland sent her small band to testify her loyalty to her stricken ally. Though England might proclaim neutrality, Irish Volunteers would march to battle. A miracle happened. Upon the British declaration of War, out of the turmoil of party and faction, there rose a great people united in a great cause. For the first time in history, the dream of an Irish Nation was realised. The bitter chapters of internecine war that had told her story through long ages, the tales of Clan against Clan, Old Irish against New Irish, Celt against Scot, North against South, were in a moment forgotten. Ireland rose against the German Empire. No clan, no class, no creed, no visible faction hung back. The comradeship of men who go forth to die together closed up all memories of the quarrels

of the past. A united Ireland lived and breathed at last.

John Redmond was not a great genius or a great statesman, but in the emotion of a terrible crisis, he spoke and acted as a plain and simple man, who does the right thing because he believes it to be right, and does it though he cannot see the end of the road that thus he enters on. He appealed to all Irishmen to lay aside thought of party politics until the war was over. He declined to exact any bargain for his pledge of Nationalist support for the campaign. To go to war was right. He did not soil his country's name by asking a price for doing right. Nothing so wise could have been contrived by genius. The great barrier to Irish freedom has been not the unfriendliness of English opinion, but the intolerance of Irish Parties exhibited by one towards another. In Ireland, political opponents did not speak, sometimes would not trade with one another. Their conception of their adversaries is still formed in ignorant prejudice inflamed by vituperative controversy and uncorrected by personal experience. In the battlefield man wins his place in his comrades' hearts, by the merits of his manhood, and Orangeman and Papist might be trusted to discover that the Creator of both had granted to neither a monopoly of those qualities that make heroes. Party truce was National Patriotism. It was the "statesmanship" of English Ministers that stopped the blessed reconciliation of North and South and revived Irish controversies before the war was over.

Within a year, the war had summoned to its dread muster "of those we loved the loveliest and the best." The second best were rejected as foolish old cripples. We had to stay at home and do what we could in the voluntary work of the non-combatants. The pick of my boys from the old Munster Circuit enlisted at once with the Munsters or the Dublins. What region of

war did not echo with their fame? Too few came back to us. The Law Liberty ran a munition factory from one o'clock on Saturday afternoon till nine o'clock on Monday mornings, until we were objected to as blackleg labour. As we were paid nothing I recognised the fairness of the charge, and we resigned in favour of the trade unions. In our brief spell of activity, we learned something of the conditions of working with machinery, and that is useful for every man to know. Those of us who could use voice and pen devoted ourselves to propaganda.

It is impossible to appreciate what Irish Nationalists went through in the early days. War Office officialism had complacently accepted the Curragh mutiny as a very proper thing. When, however, the War Office found Irish Nationalists flocking to the colours, and offering to form an Irish Brigade, it was indignant. It was no part of the scheme of British Permanent Officialism that Irish Nationalists should enlist. Those who tried to help were made to feel that they were suspect, and that their help was not desired. The stupid mechanism of Whitehall made many Englishmen feel that their services were intrusive, but in Ireland there was an insolence added to this. How the boys endured it was beyond all understanding. They were ready to tolerate anything provided they might get out to France. The trouble was accentuated by the limitation of the first call to only a hundred thousand men. "I say, you fellows," said a young recruiting officer to a crowded room in Dublin, "we only want a hundred thousand men and we don't want them all Irishmen." This was the basis of inconsiderate rejections. No attempt was made to record the mass of applicants. The officer picked as he liked—subject to the fact that he evidently did not like Irishmen.

The attitude of the War Office was characteristic of the repudiation of the Union by anti-Irish Unionists.

According to the Constitution the army was the army of the United Kingdom, and in the interests of the Kingdom it was essential that the local patriotism of England, Ireland, Scotland, and Wales should be encouraged by the constitution of National units, each recruiting among its own people. To Ireland was denied the application of this system. Those in Ulster who had been inciters of the Curragh scandal were advertised and praised to keep up the sentiment of faction but the War Office was determined from the start to deny or to belittle the support of the Irish Nation. Throughout the War, Irish recruits were scattered as widely as possible among all sorts of units and the War Office maintained the falsehood that Nationalist Ireland kept out of the war.

Had an Irish Army been constituted and maintained this statement dare not have been made. To-day the Irish Memorial Roll of Honour contains the names of fifty thousand dead ; a heart-breaking appeal has been issued on behalf of one hundred and eighty-six thousand ex-service men living in practical slavery in the fragment of the country assigned to the Sinn Fein Societies ; there are tens of thousands of ex-service men in the North and there are tens of thousands who have been compelled to emigrate by the break up and destruction of the old country. There cannot have been less than three hundred thousand Irishmen, every man a volunteer in the army of the United Kingdom, the highest percentage achieved in any comparable agricultural community, but the Tutchins of the War Office still declare that apart from the Orangemen Ireland took no part in the war.

Along Bachelors Walk, the Scottish Border Regiment had been jeered and chivied by the angry crowd into which the fatal volley had been poured. Within a few hours I saw the regiment march back along the scene of tragic misunderstanding through the same crowd, that

in silent sympathy far more effective than exuberant demonstration, showed its appreciation of brave men going forth to battle. Neither at the inquest nor at the sitting of the Commission was an unkind word spoken of the soldiers. The politicians were swept out of public view, some willingly helping in their own effacement, Carson and Dillon ungraciously threatening to return. The early suspicions of the rank and file were good-humoured and amusing. Their utter ignorance of one another mystified them. The Orangeman believed that there was some deep laid treachery in the sudden access of apparent "Loyalty" to the Popish crowd. The Munsterman doubted the sincerity of Carson's adherents in making war on the Mauser merchants, a view influenced by the belief that the gentleman of "pious, glorious, and immortal memory" was of German breed. Whatever devilment was behind it, Cork acknowledged the courage of Portadown and Belfast admitted that Kerry men could fight. Before the end of the year the men of every Irish regiment were proud to call themselves Irishmen and the once sundered island viewed from the sodden bivouacs of Flanders became the common motherland of all.

It is good to have lived and to have seen those days. Happy the death of those Irish boys, who gave their lives at the call of their nation, before their dream of unity was quenched in the flood of shame and dishonour that came in the wake of treachery and crime. At home we had to go on tolerating unpleasantness. Recruiting was appropriated as the privilege of "respectable," otherwise anti-Nationalist persons. The cleverness of the War Office tricked and cheated all efforts to enable Ireland to send her own National Army to the war. Wretched mean minded officials took up the attitude that we Irishmen were expected to surrender our Nationality as a condition of being permitted to become *their* soldiers. As far as they could, these creatures

sought to justify the insult that later was levelled against us, that we gave our people up to the service of "*England*." That was the "official" view. Before we could become soldiers we should become "loyal," as their ignorance interpreted the term. In the lexicon of insolence there is no term more used in hostility to Ireland than the adjective "disloyal." The person who uses the word, would no doubt be painfully shocked at being told that an Irishman's duty was to be "loyal" to Ireland.

We were never under any more obligation to sacrifice our country's interests to please Englishmen than Englishmen were obliged to injure their country to please us. If every man would analyse his own patriotism he would recognise that no other rule of conduct is permissible.

Ireland went into the war because in honour and in interest it was Ireland's war. The modern campaign has no such glamour of adventure as gilds the old traditions of battle. Our boys went to risk life, not in the dashing charge of Clare's Dragoons, or in the picturesque advance of the infantry at Fontenoy. In the war of position men lived miserably and died pitably. There was no pomp or panoply. Nothing more sordid in its anguish and its desolation will ever be found to compare with the trenched battlefield. To the terrible monotony of its misery our lads went happily. They left behind them a people whom their sacrifice had united, they made their sacrifice in response to the call of the unanimous nation.

Ireland had achieved National freedom. She had indeed no collection of persons calling themselves an Irish Empire, or an Irish Monarchy or an Irish Republic, but she enjoyed the notable and essential characteristics of liberty. Within her shores men's lives were secure, their homes inviolate, their property safe. No National grievance cried for redress. By common consent

of Catholic and Protestant, Nationalist and Orangeman, farmer and townsman, the existing system of government was accepted by all as a desirable device to carry on the essential functions of the country until the war should come to an end. At the end of the war a change would be inevitable, but all knew, that unless some unforeseen disaster shattered the newly-built structure of United Irish Nationhood, the change would come in a form agreeable to all in the perpetuation of a brotherhood that had been too long unrecognised. Within the four provinces there was no longer to be found an anti-Irish party. The old die-hards of the Orange ascendancy muttered some half complaints, but even they had to recognise that the new order of good will throughout the island was a surer safeguard for their "Civil and Religious Liberties" than frantic appeals to the memory of King William. Ireland was free. Her sons were united in the mutual acknowledgment of equal rights and equal merit, they were united in the prosecution of a great war, they were united in accepting for the duration of the war the existing constitution, as a Government consented to by all the Governed. She had long enjoyed untrammelled liberty of her own Civil Power. Education was controlled exclusively by Irishmen. Every part of the machinery by whose use the community is raised to intellectual nobility, by whose abuse the community is degraded to mental depravity—the Churches, the schools, the Colleges, the Press—were in Irish hands. If the people were ignorant of the things that were for their peace, the blame for that rested on the shoulders of Irishmen.

Ireland enjoyed her own administration of her own laws. Of the officers engaged in dispensing justice there was not one that was not an Irishman. Defective education left the people dangerously ignorant of the fact that respect for public law

administered in public courts is an essential without which liberty cannot exist. Whatever was defective in the system was defective because of some failure by an Irishman to do his duty. Clergy, schoolmasters, judges, jurors, magistrates, witnesses, counsel, were all Irish. If they failed to teach justice, or to do justice no foreigner could be blamed. The system of jurisprudence was the best in the world. Every system of law known to Christian civilisation, is fundamentally the same. Irish jurisprudence came to the island in English form, but it was inevitable that any system that sprung up among our people must have been similar to that across the Channel. The Christian clergy not only preached the law but administered it for generations later than the period at which the laity controlled the legislature. The Common Law was "common" to Christianity, and it came to Ireland moulded by the most liberty loving and liberty guarding people in the world. It was good for the whole country, though originally imported here for the protection of the stranger colony who at first alone enjoyed it. The Irish National advocates have always claimed that Ireland was a sovereign state between 1782 and 1800. In that period she governed herself under the same law and by the same system of jurisprudence that ignorant savages later denounced as "British." Before 1916 the injustice of class legislation had been swept away. No unjust law oppressed any man, no protest against the fairness of any law was heard from any section of the community.

The subordinate officers of the Civil Power, whether in the Civil Service or in the Constabulary, were all Irishmen. The R.I.C. was a body of men of whom any country would have been proud. For the most part they were young Catholic Nationalists, the younger sons of large farmers, and they represented the pick of disciplined intelligence, courage and character.

They, of course, knew and understood their own brethren and countrymen, sympathised with their aspirations, and contrived their happiness, by the preservation of peace and order in the community.

There existed in the country in the spring of 1916 two classes who were discontented. The anarchists still maintained their Citizen Army as a menace to the social organisation of the country. The anti-English nondescripts whose function was limited to abuse of the "British Government," were greatly offended by the refusal of the country to bother about them. These two groups had a bond of sympathy that held them together; if the war resulted in the establishment of a United Irish Nation there would be little hope for either to secure influence in the new state.

The proportion of malcontents in the population was infinitesimal. Their existence was generally unknown. Ireland was unconscious of their efforts to wreck her cause, and in the midst of war the troubled land found peace.

I hope that my appointment during the war as Senior Extern Examiner in Jurisprudence was the most heinous of the acts of the National University of Ireland. I never passed through that period of life in which the university moulds its children and in which the friendships of life are made. My father was my friend and my companion. I was a boy with him. When he died I had to become a man and the companion of those who were twenty years my seniors. I never had any consciousness of youth. I could recognise my superiors and respect them, but in the battle of life I accorded little deference to mere years. I knew my inferiors. I ranked them thus whatever were their ages. The absence of the culture and the training of the true University remains for ever a blight on one whose upbringing included a reverence for scholarship. For the merely book-learned I had nothing but

contempt, for all my ignorance was venial compared to theirs. In a life full of activity, I did try to mitigate the darkness that hid from me the joys of mental recreation such as only University life can bestow. There must ever remain with the uneducated man a sense of disappointment deepened by the measure of his success in competition with the truly worthy. The life that I led gave to me equality in years with all the world around me, but it shut the door of the great storehouse whose treasures are preventive of the mind diseased in affording the apparently infinite pleasures of the study of the genius of all time. But now the outcast was admitted not to the porter's lodge, but to the dais of the throne room. I tried to do some good. My experience had perhaps taught what Universities may fail to teach, that the digestion of the mind resembles that of the body; nourished it develops health and activity, overloaded it becomes a source of all ills. Whatever kindness and scholarship could do to mask my defects, I received from my colleagues. One of my father's friends when he sought admission to the Irish Bar was Professor Swift McNeill. The Professor, in those days, tramped out night after night to Belfield to assist my father in his legal course, and the tutor's service will be always remembered gratefully among our friends. I found myself intimately associated with this distinguished scholar whose heart retained the tenderness of youth. For the sake of old times he tried to treat me with as much affection as I felt for him. He met with many disappointments in our career together, but we had many pleasant labours in common. The President was not aware of the ancient link between the Professor and myself. All he knew was that Swift McNeill was a member of the Dillonite Party, and that I had spent many strenuous years in the political battle-line in company with my clansman Tim Healy. The logical inference was that the Professor and

myself should hate one another. As soon as we saw how the Presidential mind was tending, we played up to it. The Law Board meetings presented the appearance of inordinately strained relations, all the more because not knowing anything about University life I thought that incompetence should be excluded from degrees, while on the other hand, the perennial soft heart of my colleague was always in favour of unconvincing excuses. Many a time we debated the fate of a candidate in terms which caused the President to turn pale. When my obduracy prevailed, the Professor would tearfully exclaim, "You have a hard heart, Alexander, your poor dear father would have passed the boy." All pretence of malice between us was rendered impossible by an episode at a "Mixed Board" considering the papers of a composite course of arts and Jurisprudence. A distinguished representative of an ancient English University came over to where I was sitting beside my old friend and said, "It is really a pleasure to find an enthusiast for raising the standard of degrees. Will you pardon me if I say that, well as I know your name and rank in your profession, I have quite forgotten your University."

"I have no University," I replied. "I represent here the unlettered Irishry. I have no sort of a degree at all."

"My dear Alexander," broke in the Professor, "you have the degree of genius that is current everywhere." My vanity could make no reply. The second of my University supporters was the Dean, James Murnaghan, now, happily for the country, a Judge of the High Court in the Free State. He was of course an old companion of the Law Library, and like two of his present fellow judges, Gerald Fitzgibbon and Tim Sullivan, he enjoyed among his brethren of the Bar a reputation and a respect that were almost nullified by the modesty and diffidence of him who had

earned it. I tempered Murnaghan's justice with mercy because I knew so little of his subjects that I thought every student who knew more than myself knew a prodigious amount, and should be credited accordingly. Appealed to by the President on one occasion, I said :—

“This candidate should pass, Mr. President. He did well in everything except Roman Law, and I expect he did pretty well in that too, but Professor Murnaghan marked him too stingily. Unfortunately I know no Roman Law myself so I was unable to revise the Professor.”

I did endeavour to move the governing body to supply funds for a task that has been accomplished so well for England. There has never been compiled a history of Irish Law. It never can be compiled now, for ignorant savages have scattered in flames to the winds, the matchless and irreplaceable records of the happenings of twelve centuries. There is in fact no History of Ireland in any phase. Men have written down their glosses of past events as arguments in present propaganda. There exists no dispassionate account of the facts and events that brought Ireland through the ages. According to History as we know it, it should have been impossible that the Irish Race could have outlived the systematic schemes for its exclusion from the cultivable land of its own country. The Irish have survived everywhere. It should have been impossible for Catholics to own real estate. There are hundreds of Catholics in possession of the lands held by their ancestors before the days of Elizabeth. It was legal ingenuity and Protestant good faith that must have accomplished this. How it was done will never now be known.

My experience of the National University was disheartening. The whole system was bad. The blight of Professional Patriotism destroyed all educative influence. It is one of the afflictions of a small island far

removed from the commercial and intellectual highways of the world, that parochialism impedes progress. When there is added to this misfortune the segregation of a creed and a class in an establishment that is meant to educate, the possibilities of the development of character and intelligence become hopelessly limited. The children of a Catholic peasantry cannot raise the standard of their own culture by contemplation of one another. A mutual admiration society can never elevate itself. There was a crying need to bring the youth of the country into personal contact with new companionship and new ideals. The Nationalization of the people would require that at least the different sections of the community should become acquainted and should exchange views. Politics, however, did not permit such projects, and political propaganda commencing with the insanity of "Coercion Irish" stampeded the National University along the road to National stupefaction.

The constitution of Maynooth as a College of the University scheme injured everyone. The standard of culture among the clerical students had deteriorated with the prevalence of political phrasemongering in the seminaries. Many of these establishments were little better than village schools cramped and impeded with the mean mindedness of isolation and lack of intercourse with the world. They fell victims to the demoralising principle that eventually undermined Maynooth. By depreciating their own standards, and by knowing of no others, they satisfied themselves that they were without rivals in the world. In the old days the Catholic Priesthood had led and controlled a people who recognised the claims of intellect to leadership and dominion. It was difficult to hope for respect for a Church whose junior clergy in many places were the intellectual inferiors of the average of the flock. The sanctity of their office would have atoned for the shortcomings of their education had the sanctity of their office been permitted to

appear, but many of these young men joined the ministry merely to become noisy parish politicians, seeking the adulation of the worst elements of their congregations, and using the pulpit to air their personal views.

Unless the country becomes a famine stricken wilderness, it must be regenerated through the old Faith. The apostles for the re-establishment of the work of Saint Patrick are not likely to be produced in any seminaries as at present conducted. Missionaries trained in the finest Universities of the old world and the new will be needed to win back for the Church all that the Church has lost in the years of her abdication.

CHAPTER IX

TREACHERY

IN the history of hostilities never was recorded a tale so dull, drab, and miserable as the story of the Great War at home. The smaller minds that craved for the limelight of historic notoriety commenced to seek advertisement by criticism of the National adventure. The departure of the bravest leaves the comedian to play the hero. There must have been in Ireland some sentiment against the war honestly felt by men whose political education consisted of the conventional whine and cant about the British Government. The surprising thing was, that these natural products of ignorance were insignificantly few. They formed a small proportion even of that section of the Nationalist Volunteers that revolted from Mr. Redmond's "army."

Mr. Larkin's troops kept very quiet. Their leaders made no demonstration. There can be no doubt that they appreciated that war would bring nearer the realisation of their dreams about the destruction of society, but they were shrewd enough to say nothing about it. It would have been risky to ask even the most ignorant class in the country to dismember Ireland in the interest of the International Proletariat. At the opportune moment of excitement the Transport Workers could be relied upon to accomplish the same end, on the assurance that they were serving Faith and Fatherland. At the moment, however, Faith and Fatherland were engaged in the struggle with Germany.

The "American Alliance" was similarly circumstanced. Their sole policy was to foster ill will towards

England regardless of Irish interests, but they saw no means of indulging their tastes in the midst of the new nation.

The German agents in America determined that there should be an "Irish" rebellion, and to forward this scheme, negotiations were opened up through the German American societies with the Clan na Gael, and through the Clan na Gael with the sources of disaffection in Ireland, the American Alliance, the Sinn Fein mirror worshippers, and the Larkinite army. The first was promised a chance to injure England, the second were to be given the Government of Ireland under the Prussians, the third were to have their glut of "capitalist" ruin. The Sinn Feiners did not object to anarchy so long as they were permitted to do the posing and phrasing, the Communists did not object to posing and phrasing provided that they could accomplish anarchy.

To appreciate what was going on it is necessary to recall to mind the history of the movement that eventually embezzled the title of Sinn Fein. The Parnellite Party, between 1885 and 1890, was a composite body, whose digestive function was mainly engaged in educating emotional "rebels" into sensible politicians. In the intermediate stage of this evolution there was necessarily developed the phase in which the larvæ regarded politics as the end of human achievement rather than as a medium of human happiness. The creation of artificial misery in order to foster the discontent upon which the professional politician may thrive, was not altogether ignored. The first definite resistance to this disgraceful policy was the formation of the "Recess Committee," promoted by Sir Horace Plunkett, patronised by John Redmond and sullenly disregarded by John Dillon. The proposal to make Ireland as prosperous as possible even under an undesirable Government was supremely distasteful to those who believed that the spirit of Irish Nationality

was a mere exhibition of ill conditioned bad temper that depended upon ignorance and misery to maintain it. This shameful opinion was subsequently adopted by the apostate Sinn Feiners, but to combat it was the original mission of Sinn Fein. The Nationalist Industrial Revival of Ireland was promoted by a number of patriotic Irishmen through the Gaelic League, who fostered a spirit of self-help and national economic independence under the motto of "Sinn Fein," i.e., "Rely upon Yourselves." Under this unpretentious and businesslike organisation there of course sheltered many who sought notoriety, cranks, rhymesters, and fledgling political scribblers. Much was preached that was economically unsound, but in the main, prior to 1913, the movement was truly educational, truly patriotic, and truly inspiring of Irish Nationhood. Prior to the outbreak of the war, the German Americans arranged for the perversion of the Sinn Fein organisation. It was flooded with ignorant undesirables, as was also the Gaelic League. The cranks and scribblers were promoted to leadership, the men who had founded the movement were dismissed. Politics for Politics' sake and the pauperisation of the people for the sake of politics became the motto of the new "Sinn Fein." This was the body that organised the "rebellion" of Easter Week, in 1916, though in the end it was mainly controlled by Liberty Hall. The negotiations with Germany were arranged of course by the German Americans, who selected Sir Roger Casement, a British pensioner, to proceed to Berlin on their behalf. To Berlin, therefore, this strange Envoy betook himself, narrowly escaping an attempt made by the British Government to kidnap him for the purpose of putting him on trial for a gross crime. Casement was a man of supreme energy, great physical courage, and of intelligent audacity. He had undermined his mental balance. His vanity was inconsistent with reason, and

it was this weakness that wrecked what might have been the most daring project of the Great War. Casement arrived in Berlin, certified by the German Americans and by the Clan na Gael as the Minister Plenipotentiary of the Irish Race at Home and Abroad. The number of persons in Ireland who had ever heard of Sir Roger was very limited, but Berlin believed what it wanted to believe, and the adventurer successfully posed as the adored leader of the young men of Ireland who were represented as pining for the advent of the Prussians to take possession of their country. The comedy succeeded to the extent that representatives of the General Staff debated the risking of two army corps and a fleet in a descent upon Ireland. They were assured that if one army corps could be landed in Munster, Sir Roger's worshippers (at first modestly reckoned at three hundred thousand and in the end certified at half a million) would flock to the German standard. Some embarrassment indeed was caused by the number of these anticipated recruits. The drill sergeants of the Prussian Cadres were not fitted in numbers, language or temperament to mould into effectiveness this multitudinous Irishry. Casement proposed a brilliant solution of the difficulty. Among the prisoners taken in the great retreat there were many Irishmen. Let all the Irish prisoners be assembled at some convenient place, and Sir Roger undertook that he would charm them into enlisting under him as the non-commissioned officers of the Prussian Hibernian Army. His offer was accepted. Three thousand Irish prisoners were collected at Limburg, where their idol proclaimed himself to them. They had never heard of him. They were rude enough to say so. He offered these starved and jaded men food and liberty and gaudy green and gold uniforms. By much persuasion he raised something less than thirty recruits. The slightly crazy man was not in the least depressed. He continued to swagger about Berlin for a

while and being sent elsewhere on various pretences, continued to draw up grandiose plans for the destruction of the British Empire on the battlefields in Ireland. The German officials responded in similar grandiloquence, but a cynical outsider might suspect sincerity was on one side only. The German Staff no longer dreamed of Army Corps in Ireland. The Casement campaign marched in one pair of boots. Meanwhile there arrived in Germany the adored idol of the young men of Ireland, personally worshipped by every man of Irish birth, authorised by the whole Irish race to enter into an alliance with Prussia and to put three-quarters of a million of Irishmen at the disposal of the Kaiser. This time his name was Joseph Plunkett. He was welcomed at Berlin, where there could be no doubt that the real envoy of Erin had come at last. It would be ungenerous to suggest that it was because of any misgiving with regard to his credentials that the German Diplomats took him down to Limburg and tried him on the Irish camp. No one there had ever heard of him before. It was, however, clear that a certain amount of disorder and disturbance could be purchased in Ireland at a cheap rate. The price that was agreed to be paid by Germany may perhaps have been misunderstood. Berlin afterwards said it was some thousands of second-hand Russian rifles and a few machine guns. The dupe who was allowed at the cost of his life to pose as the head of the foolish enterprise professed to have had assurance that a German "Army" had been actually despatched to Ireland and lost at sea. The truth about this manifest deception has never transpired. Casement knew, and Plunkett must have known, that the Germans would not send a corporal's guard.

One evening a messenger from the Foreign Office called upon Casement and presented him with a single ticket to Wilhelmshaven, adding for his comfort a

voucher for a sleeping car. At Wilhelmshaven Sir Roger came upon a scene of lonely desolation. There were no Army Corps, and the explanation of their absence was inadequate. There was no sign of enterprise upon the sea. He and his staff of two companions were bundled on board a submarine, and he was informed that a rebellion had been arranged in Ireland, and that his proper place was at the head of his worshipping countrymen. The draft of his protest against his deportation, addressed to the General Staff, was not less lurid than had been his report on Putumayo.

The submarine set forth, commanded by a youthful officer, whose respect for the British fleet caused him to keep so far below the surface that his craft struck a rock, and he was compelled to take refuge under Heligoland. There some valuable days were lost before a second U boat appeared to bear the trio to Ireland. If they could have landed in time there would have been an end of the the German plans of Irish rebellion.

In the few days preceding Easter Monday of 1916, a series of strange events took place.

A small ship, the *Aude*, was arrested by a British sloop off the coast of Ireland. Compelled by her captors to proceed to Queenstown, she there hoisted the German ensign, was deserted by her crew and blown up. Her cargo consisted of obsolete Russian rifles. No German lives were lost.

Two armed men in a motor car seeking the road to Brandon, drove their car into the sea at Killorglin and were drowned.

Three strange men were landed at Ballyheigue on the west coast of Kerry in a collapsible boat belonging to a German submarine. One of them, Sir Roger Casement, was arrested there. A second, Bailey, was arrested at Ardfert. The third, "Monteith," was never seen again.

On Thursday the papers announced for the following

Monday a great mobilisation of "Irish Volunteers," for Easter Manœuvres. On the Saturday Mr. John McNeil, the Commander-in-Chief of the "Volunteers," issued an advertisement cancelling the mobilisation order. McNeil personally refused to go on with a project that his Church condemned as murder.

On Sunday in the German trenches was erected a placard announcing that British troops were butchering Irish women and children in Dublin. The Munsters raided the trench and captured the placard.

At four o'clock on Sunday, at the request of the captive Bailey, the District Inspector at Tralee telegraphed to Dublin Castle, that at one o'clock the next day an effort would be made to hold up Dublin by seizing the Castle and the public buildings, cutting wires and lines of communication. This warning was decoded before five o'clock and sent across the Castle Yard to the Chief Secretary's office. The Chief Secretary was not in. A receipt was given to the messenger, luckily for him. The missive was taken to the room of the Under Secretary. He was not there. It was placed on the corner of his desk. The window was open and a puff of wind carried it off the desk into the wastepaper basket where it was found on Wednesday unopened.

At one o'clock on Easter Monday as foretold, Germany's "allies" attacked Dublin and seized a number of the public buildings. Officialism was at the races. In the original plan the Germans had arranged that the effective area of operations in Ireland was to be the province of Munster, where troops and arms would be landed and the local levies assembled. Dublin was merely to be paralysed by the methods demonstrated by the trio of anarchists in London in the Sidney Street affair, until the Munster army fought its way to the capital. The "patriotism" of the Irishmen who assented to this will be appreciated only by those who have seen a modern battlefield. The dupes of Prussia

still clung to this scheme though all substance for it disappeared with the refusal of the Germans to risk a platoon on it. If the Russian rifles had been landed there might have been disturbance in the South where the plans for their distribution had been matured. How far the abandonment of the plot was caused by the sinking of the rifles, how far by the denunciation of German treachery by Casement, Bailey and Monteith, it is not very easy to ascertain, but in Munster not a shot was fired or a blow struck. If Casement had escaped to Dublin, however, he could have done little more than MacNeill accomplished. The Sinn Fein idealists in the main kept out of the shameful transaction. Nothing would have kept the "Citizen Army" of Larkinites out of it.

What actually happened in Easter week no Irishman could understand. Some "Proclamations" appeared to have been posted, but they were few and they were taken down and kept as historical specimens of meaningless rhetoric. The signatures conveyed nothing to the average inhabitant of the outraged city. The "labour" agitators were known by name to the populace, but who the others might be the common people could not tell. "Larkin's crowd" was the popular description of the outlaws who spent the week firing indiscriminately through the town from behind the curtains of attics and from chimney stacks with guns, revolvers, Martini rifles and automatic pistols. They wore no uniforms, they hid their arms beneath long coats. They sneaked away and were lost in the population when danger approached. Until the crime was over the great majority of the inhabitants of Dublin were utterly ignorant that any organisation outside of the labour extremists had anything to say to it. No one could imagine what excuse there could be for the disgraceful attack upon the Country's capital. Everyone resented it. There were not more than fifteen hundred

persons in Ireland in sympathy with this wretched travesty of rebellion. Of these the rank and file were duped with assurance of the advance of a triumphant German army coming to their aid. The first story was that it was coming from Cork, but when the eighteen pounders of the artillery opened fire on the Post Office, the ignorant levies around the workhouse (where a "headquarters" had been set up) cheered each discharge on the assurance that it was the German Fleet covering the landing of a vast army at Howth.

The following letter picked up from the floor of one of the rebel headquarters is a convincing proof of the unprincipled lying by which poor Irish boys were trapped into this crime :—

JACOB'S, *Thursday*.

DEAREST MOTHER AND FATHER,

I am here with the other lads expecting an attack. I got your cigarettes and little letter. I am not out of danger. We have great news from the other parts of the City. Tell Jim Brennan I may not see him any more, and tell the girl in Walsh's that I send her goodbye. I may not see either of you again, and I know you must be both thinking of me. Tell Mollie and Paddy that I say goodbye. If I am killed, don't worry, but pray for me. We are sure to win. We have a wireless machine here, and the news is very good, don't be surprised if you see any "Huns" in Dublin very soon, they have landed at Cork. Irish Americans are on their way to fight for the old land (this news is official and don't doubt it). The Irish Brigade are expected soon. If I am killed, and we are beaten in Dublin, they will never beat the country parts. I am sure you are all surprised we have the G.P.O. I was under heavy fire twice but escaped, none of us are killed, three are wounded, not very much. Tell Grandma to pray for me and I send her my love and perhaps a last goodbye.

If you hear any important reliable news, send somebody across, but be very careful of the city, the soldiers have got strict orders to take *no prisoners*. I hope my dear old mother is safe and is not sad, also father, Mollie and Paddy. Tell Father Ryan to pray for me. Let father send word to O'B and Ards. *Any man who deserts will be shot by order*. We have three priests here hearing confessions, they blessed us all. Say goodbye to Father Moss. Goodbye all, now, perhaps for ever. No one can say I am a coward, and although father cannot join, I am willing to fight to the last. Pray hard for me.

My last love to you all, and dearest mother, don't be sad, I am a little nervous, not much.

Good luck to my dearest father and mother, Mollie, Paddy, Jack and Jim Brennan.

The troops in Dublin at the time consisted of young Irishmen who had volunteered for service in France in response to Ireland's call. The police and constabulary were of course all Irishmen. There were some hundreds of these gallant boys murdered or wounded in the streets, there were eight hundred known civilian casualties in killed or wounded. The heart of the City was burned out, to the delight of Larkinite battalions. Connolly their leader enjoyed a great triumph. He saw the great warehouse of Clery and Company looted and burned to a cinder. It was the property of William Martin Murphy who had fought and beaten the Larkin-Connolly strike system in 1913. Outside the anarchist ranks there were no Irishmen who did not hang their heads for shame at the disgrace of Easter Week. The resources of cant and snivel have been exhausted in efforts to present the criminals as glorious military commanders, and the jargon of the parade has been ransacked to gild their foul deeds with the language of war. The episode was an indelible stain on those

responsible for it. My own experience of this mean crime was at first exciting. I had been spending a few days at my country house, and I proceeded to drive back to Dublin in my motor accompanied by three of my children. A slight breakdown delayed me, and I heard in Cork that there was rioting in Dublin. I travelled through Limerick, Tipperary, Kilkenny, Queen's County and Kildare. No one knew anything more than rumour of some kind of disturbance in the City streets. At Clondalkin, I met a cavalry regiment. I asked the officer if I could drive on, and he told me to go ahead. Everything was quiet; at least I noticed nothing until near the gate of Kilmainham, a soldier sprang from behind a pillar box and jumped on the running board beside me. I stopped. A little officer appeared and started cursing me for halting my car so as to mask his machine guns. He recognised my amazement, and apparently recognised me, as he expressed his regret that I could not pass, and his hope that I would be able to find my wife and family all right, but he feared my home overlooking the City had been blown up, as he had observed a number of explosions in its immediate vicinity. At all events, I was to run out backwards as his guns could not cease firing, and the road in front was trenched. My engine had stopped. I had no petrol in the tank. I took the children and put them lying on the floor of a cottage, then proceeded to fill my tank. It appeared to take hours. One machine gun was pumping its contents about a couple of feet clear of the car, and all sorts of fire arms were going off in the upper stories of the neighbouring houses. I took an emphatic dislike to fusilades of any kind. At last I got my engine started, put in my children and raced backwards out of the fire zone. I entered the Phoenix Park from the West, and eventually came to the corner of the North Circular Road and found all well. The house was not damaged,

and the explosions were caused by the fire of a battery of eighteen pounders from the space in front of my gate. I was greatly relieved, but the circumstances of the household and of the City frightened me. There was a constant hum of bullets around the building, and it was impossible to keep the youngsters away from the windows which overlooked all the centres of disturbance. While at home I was in dread of a stray shot killing a child, and at night there was the frightful scene of the City burning beneath us. The only relief from terror is to find something to do, so I took my car and reported for service at the Castle. The problem of feeding the citizens seemed insoluble. Provision stores were sold out in some districts while in others they were wrecked and looted by the mob. Among the poorer classes, money was exhausted. Post Offices could not function as the desperados fired on everybody in uniform. Even the men of the fire brigade were shot at when they tried to save the City. A committee tackled the difficulty. Their first proceeding was to buy all the food stuffs lying at the Railway depôts. The form of an auction was gone through, but I do not know who paid. During that week I must have become liable for immense sums of money which I have never been asked for. We took what we could lay hands on, and fed the people. Distribution was at first by setting up free kitchens and serving free meals in the halls and schoolhouses. A large section of the community preferred to starve. They would not accept "charity" and they could not buy food. An offer to let them pay for their meals made things no better, and we had to stock the empty provision shops, picket them against looters, and let folk do their own marketing. Under similar conditions we had to open Post Offices to circulate army separation allowances as a means of purchasing food. The work was interesting, and in the bullet-infested district

sufficiently distracting to keep one's mind from worrying. During the continuance of the outrage the feeling of all classes was of the fiercest hostility towards the crowd that had thus assailed the City. The troops available to deal with the criminals were Irish regiments. The populace was entirely on the side of the soldiers. When the street fighting was ending, English soldiers were landed. These appear to have been imbued with the idea that Dublin was an enemy city. Two of my colleagues at the Bar met a column of troops marching up from Kingstown. My friends told one of the officers in charge that the large house that commanded the road, a quarter of a mile farther on, was filled with gunmen, and that the City could be reached without passing it.

"Permit me to mind my own business," was the reply. The poor soldier boys of the Sherwood Foresters were marched on, and were met with a deadly fire which decimated them.

During the worst days, my section of the North Circular Road was held by the Dublin Fusiliers. They were not on their arrival allowed to sleep in houses, but the lower part of my house had been cleared by the R.A.M.C. to be used as a hospital, for which luckily there was no need, and I had made my place a sort of club for the troops; gave them rugs and carpets and mats when they had to sleep in the open, and provided them with books and refreshments when off duty. They were replaced by the Staffordshire Regiment, to whom I offered similar services. My offer was refused. The men would not accept a cigarette, except as a sale and purchase. This was the basis on which was treated the poor country whose capital had been destroyed. We Irishmen were made to understand that we were hated by the War Office gang, and that Sir John Maxwell was to punish us for being the victims of a crew of conceited criminals.

When I was asked whether I would accept the brief to defend Casement I was in a quandary. I was in Ireland, a Law Officer of the Crown bound by my declaration of office (copied by that of the Attorney-General) to accept no suit against the Crown. I had been called to the Bar in England in 1899, merely to keep my father's name on the roll of a profession that had treated him so generously. I had never held a brief there, and I was literally a briefless junior of the English Bar. I consulted my colleagues on the Bar Council and they were doubtful about my position. They told me to consult Ronan, who was now a Lord Justice. I consulted Ronan, who consumed an inordinate quantity of matches lighting the pipe that he never smoked, as he thought over the problem.

"You must go," he said, "you are nothing but a junior barrister in England."

"Honestly?" I asked.

"To be perfectly candid with you, my boy," he replied. "It's not honestly—I want you to go. If you want an honest opinion go to the old man. He'll tell you what's right."

I went out to Mount Anville and had almost my last interview with the little old gentleman to whom I owed so much, and whose genius we all still worship in kindly memory. He had retired from the Bench and had been replaced by William Moore. His retirement was as the ebbing of a tide leaving a bleak shore desolate. We threshed the matter out, and he thought upon it. He gave judgment as Ronan had done.

"Honestly?" I asked.

"I don't know," said the old man. "I hope honestly, but I do want the defence of a great State Trial to be conducted by a representative of the Irish Bar. Promise me you'll go"; and I went.

Of my reception in England I cannot write. Bench and Bar overwhelmed me with their kindness and



PALLES RETIRES—WILLIAM MOORE SUCCEEDS.

consideration. I have always felt that their kindness to some extent added to the nervous strain under which I laboured. I should never have undertaken the task. I felt too deeply my responsibilities. In the result

I went through a dreadful experience. Like all super-sensitive people I have always maintained extraordinary self-control in public. The worst tempered man in the world, I have lived at my profession as a good humoured chap, while my family suffered when the strain was in private relaxed. Half an hour before the crash came I believed that I was dying. Then it appeared to me that I commenced to rave. I implored my junior to ask for an adjournment—by some strange nervous affection I resented asking myself—I was assured that I was in perfect trim and was urged to go on—again and again. I looked for the clock—it had disappeared—the jury faded away and still I raved on—the Lord Chief Justice commenced to recede down an infinite vista, until he was a pin point—then darkness fell and I crashed.

What actually happened I do not know. I spent next day in despair. I had been out of hand addressing a court and I was certain that I had disgraced myself. I was roused by a most generous message from the Lord Chief Justice, and my junior called for me and dragged me out to dinner. All that thoughtfulness could do eased the shock, but to this day I have never dared to read the shorthand record of that dreadful half-hour. I had a few weeks in which to pull myself together to argue the appeal. It failed: and most foolishly the man was hanged.

Whatever the defects of the advocate he had sent forth to battle, the old hero of the Irish Bench and Bar would sustain him. In a letter couched in terms of affection that no one could have merited, I was consoled and comforted by a tribute from Christopher Palles. It was the last communication that I received from one who had been not only the teacher but the parent of whatever was worth while in my professional life.

CHAPTER X

FACTION FIGHTING RESUMED

WHEN the tumult of the rebellion had subsided, for a while it seemed as though the Spirit of Nationality might triumph over the traitors that had assailed it. All men of honour were chastened by the great calamity that had befallen the country. All appreciated their own responsibility for the disaster and in Ireland there was an instinctive desire on the part of all to make amends. There had never existed a closer rapprochement between the Irish sections, than was manifested among the men who came forward to restore order and civilisation in the distracted city. There gleamed again a ray of hope for the nation.

Suddenly the Irish people were shattered into the old mean senseless factions. The temptation to score a party triumph was too great for the old Ascendancy. They had at their disposal a soldier, into whose ear they whispered shameful counsel for the destruction of the new formed brotherhood of Irishmen. With universal horror it was learned that the captured mountebanks had been tried by some secret tribunal and had been secretly shot. This outrage set men's passion aflame as it must have been intended to do. The English mind cannot understand why this should be. That is precisely why the English mind should be excluded from the Government of Ireland. No Irishman could doubt the result.

A humiliating performance took place in Parliament. Redmond was never brilliant, and if his speech on the declaration of war was the one touch of genius in his

career, his pronouncement on the Dublin outrage was mean and halting. Carson was allowed to speak. The man on whose shoulders rested deep responsibility, the man whose declarations could be quoted to justify the action of the miserable wretches who were secretly shot, was allowed to make some disclaimer of desire to make party capital out of the bloodshed. Everyone knew that he would use it for the ruin of the Irish cause, yet the Irish Party sat in silence. The crowning dishonour was Dillon's speech, in praise of the gang that had tried to murder Ireland. The opportunity had come to overshadow his leader and take his place.

The headquarters of the Food Supplies Committee was in the offices of the Master of the Horse in the Lower Castle Yard. I strode in at the news of the first executions and ejaculated that things had taken a desperate turn. I was told that all trouble was practically over. I retorted that the real trouble was commencing when for the first time decent Irishmen were expressing sympathy with the criminals.

The detestation of the "rebels" was so fierce in the City of Dublin that at first their executions provoked little comment. Connolly had been wounded, and it required considerable time to restore him to a semblance of health. During this period there was an agitation by the Labour Party, aided by Irish humanitarians, against carrying out the sentence of death pronounced against this crippled man. Among the "capitalist" activities of Willie Murphy, the breaker of the Larkin strike, was the publication of a sensational daily and evening paper. The editor's job was to ascertain in what direction the mob was moving and to grovel to its decrees. There could be no possible doubt about the universal hatred of the anarchists that had ruined Dublin. Their execution had as yet provoked very little sympathy for their fate. The mob-serving editor translated his view of the situation into a protest against pardon for Connolly.

The military junta took the *Independent's* advice, nursed Connolly back to health, and then shot him. The callousness and stupidity of this produced far more effect than all the previous blunders. Thoughtless sentiment in the press and among the politicians started talking about "these poor fellows." Resentment at the action of General Maxwell clouded judgment and caused to be forgotten the cowardly ruffianism of the outbreak. To the English mind all this is incomprehensible. The position of the organisers of Easter Week was abhorrent to every phase of Irish character. To the Nationalist and to the Orangeman alike they were traitors. If ever there has been an act of Irish Nationhood, it was the War against Germany. If a clique of nobodies is permitted to organise a secret society with foreign assistance to thwart National enterprise, and break up National Unity, Irish Nationhood is impossible. The bringing over of the Norman was less treacherous to Ireland. By the law of the Church to which most of these traitors professed to belong, membership of this conspiracy involved excommunication. According to every law in every Christian land, the creatures who assisted in the bloodshed of Easter Week were murderers. "Should they not be punished?" asks the English Official. Most certainly they should, but General Maxwell and the gang he represented had no moral right to "punish" any of them. Punishment appertains to justice and to the vindication of a just law against wrongdoers; there can be no true punishment that does not carry with it the moral assent of the community. There was stern enough feeling in Ireland to have hanged fifty of these fellows, as was witnessed by the editorial performance of the *Independent*, but the Irish people were not permitted to administer justice, they were insulted by Connolly's executioners.

Nevertheless, the various Nationalist bodies through

the country placed on record their appreciation of the sin and folly of the conspiracy. Public opinion was settling down, when a new adventure was launched by anti-Irish authorities. Flying columns were despatched through the country to round up "rebels." There had been three or four imbecile riots with some shooting and unfortunately some fatalities outside of Dublin. The Constabulary were perfectly competent to deal with the aftermath of these silly demonstrations. This would not suit the reactionaries. For every sympathiser with "rebellion" the flying columns collected two staunch Nationalists whose relatives were probably serving with the colours in France. By the time the captured trio were lodged in an internment camp, they were all insane with hatred of the British Government. There was no tittle-tattle too idle, there was no falsehood too obviously spiteful to be rejected by the raiders. The Irish people were bullied and insulted as rebels until many of them qualified for the title.

Meanwhile the politicians were struggling back to the limelight. The Prime Minister, Mr. Asquith, was led through Dublin and persuaded to invite the Irish people to start afresh the quarrels of Party Politics. It is supposed that he was moved to this by some clever Nationalist. A very moderate effort of intelligence would have foreseen that Nationalist aspirations were to be realised in France, and that they could only be lost by controversy in Ireland. No intelligence was displayed. All partizans readily responded to the "statesman's" suggestion and to the dismay of all except Party machinists, recruiting was dropped, the question of the war was set aside, and the old faction fights were launched anew.

Mr. Dillon by his early bid for "rebel" support had excited the jealousy of Mr. Healy and Mr. O'Brien. These gentlemen conceived a brilliant counter move, by running a "rebel" candidate for the vacancy in

West Cork caused by the death of Mr. Gilhooly. The "rebel" selected was of a peculiar order. There is no doubt that he was a person who had always in loud tones declared his sympathy with extreme projects, but when rounded up and deported he demonstrated to the satisfaction of everybody outside the stupid military clique, that he was not only a loyal servant of the King and a hater of insurgents, but that his large fortune was invested in War Loan and perilled on the triumph of the Empire. The War Office gang would not altogether believe him and forbade his return to Ireland. During the election he was represented in the standard terms as languishing in fetters in a British dungeon. In truth and in fact he was living unguarded in a first class hotel at a fashionable seaside resort, where he was endeavouring to combine such loyalty as might secure his return to his home with such disloyalty as might secure his return to Parliament. He lost both ways. Mr. Dillon was placed in a difficulty by the manœuvres of his foes. Having committed himself by his speech to flattering the German party, he was now opposed by a candidate, whose sponsors suggested that he was the real heart and soul of the Dublin outrage. The election of the deported War Loaner would unquestionably have been a great score for the O'Brienite faction. Mr. Dillon ostensibly decided not to oppose the Sinn Fein "patriot," but left the local Nationalists to take their own course. The local Nationalist invited me to become a candidate for my father's birthplace. I declined, but I insisted on the seat being contested, and my friends very sensibly fought and beat the sham rebel, and gave to Ireland an opportunity to pull herself together and regain her senses. From this experiment Mr. Dillon inferred that Sinn Fein could be beaten, and he came into the open and ran "official" candidates. They fared badly. This was not altogether their fault. The Party machinists insisted on conducting the contests

on the basis that in a competition of abuse of the Government and praise of the rebellion, the Party candidates could win. They had no chance.

To the aid of Sinn Fein came also the folly of the Hon. Mr. Justice Boyd, lately retired. This eminent jurist was at the time in the queue of applicants for "honours." He wanted to move up and he thought it would be a good thing to call attention to his "loyalty." He organised a campaign to expel from the Royal Dublin Society an old and respected member, Count Plunkett, on the ground that two of the Count's sons had taken part and had forfeited their lives in the rebellion. This mean motion was carried by the reactionaries, and Count Plunkett, who had no sympathy whatever with rebellion, became a martyr. He was elected to Parliament as a Sinn Feiner, to his own astonishment.

In Clare a school teacher of American birth and Spanish parentage was returned as Member of Parliament. During the rebellion he had commanded some forty snipers to the satisfaction of his friends, and had thereby attained a military rank corresponding to Field Marshal. He had escaped being shot. By survival he was the senior officer of the Irish Republican Army and he kindly undertook to instruct his adopted country in the science of Nationality. He ultimately assumed the title of "President of the Irish Republic," in a community that once had a sense of humour.

The Irish Party and the A.O.H. were now doomed. The fulsome praise of the "rebels" and the hysterical abuse of the Government had set up the fortunes of the new representatives of folly and had failed to charm a single extremist into the Party fold. One important step for Ireland was however won. By the summoning of the Irish Convention one faction of the hybrid Government admitted their appreciation of the right way to tackle the Irish question. Ireland had the same inherent right to determine her own form of government

as any other nation. The only persons who could frame an Irish constitution were the educated members of the community which was to be the subject of the constitution when framed. No one else could appreciate Ireland's needs, no one else could know the circumstances that must modify the standard schemes of government to fit them to Irish affairs.

"Republicans" no doubt clamoured about "freedom," as connoting a right to make the nation a plague and a nuisance to its neighbours, but the laws of good behaviour are more binding upon countries than upon individuals. The common interests of England and Ireland require that the relationship of the two islands shall be most intimate and cordial so that neither may suffer injury by their proximity. The main safeguard, however, must be good will, and there could be no good will while the busybodies in one country meddled with the internal affairs of the other.

The Convention was doomed to failure. A pledge was given that Parliament would pass into law any measure upon which the Convention came to substantial agreement. The Representatives of the anti-Irish faction, however, were told that their dissent from any proposition would vitiate the wishes of the rest of the body. With this tricky reservation the assembly undertook its task. One Minister is reported to have said that it was an excellent device to keep the Irish talking. The event afforded still more evidence of Ministerial bad faith. The Sinn Feiners sent no delegates, they had not among their adherents many people who could have been of use in constructive statesmanship, so they were probably wise in avoiding display of their nakedness. The drift towards disorder was to some extent checked, but no thoughtful man could fail to see that the existence of the Nation was being staked upon the success of the Assembly.

The Convention did much good, in so far as it brought

together for the first time politicians of divergent views all animated with a desire to find a solution of a problem that three years earlier had solved itself. It displayed, however, many weaknesses. It was too big. The proportion of men within it especially among the Nationalists who had ever turned their minds to the problems of constructive statesmanship, was extremely small.

Apart from the Co-operative movement, and the old but now perverted Gaelic League, there were in Ireland no schools of constructive thought. Party Politics were merely destructive and abusive. Some of the members of the Convention for the first time endeavoured to read up subjects between sittings. One patriot Prelate announced that he had become familiar with all the problems of finance by perusing an article in the *Encyclopædia Britannica* the night before. The failure to agree among themselves arose from this lack of education among the "popular" representatives. Ignorance is always so certain of its wisdom that it can make no compromise. If the sane and sensible men from all Ireland were once commissioned to administer Irish affairs no matter within what limitations, mutual confidence would engender a National spirit, that would eventually expand the Parliament to the limits of Independence within the Empire.

There is however, a mean trait in the Irish character that prompts men to wreck whatever they cannot rule. The rival Nationalists delighted in wrecking each others schemes. Their lack of tolerance towards one another re-acted on the Orangemen. The abandonment of the Constitutional movement, by the Nationalist leaders in the country and the consequent growth of Sinn Féin anarchy, alarmed the delegates from the North. No constitution is good in itself. The best must be made good by the efforts of those who control it. There was the most natural reluctance on the part of a shrewd and sensible community, to agree to subject itself to a

legislative body that might be composed of "Republican" anarchists, or of Nationalists whose public professions fell little short of anarchy. The false position towards the rebellion taken up by Dillon and the obvious insecurity of Redmond's place in the party that he nominally led, caused the Ulster-men to recognise that there can be no safeguards in a community that does not enforce respect for public law. Men have no rights beyond what public justice will secure for them, and the Nationalist policy competed with rebels in expressing contempt for the administration of justice.

The task before the Convention needed skill and patience and judgment. Unfortunately nearly all the nominees of the Dillonite party and some of the Northern Unionist party were mere politicians, whose breadth of vision did not extend beyond the consideration of party expediency. They viewed every proposal under the dominating desire to do what would win the acclamation of their mob. The Nationalists were afraid of being taunted by Sinn Fein with "betraying the cause." The North Easterners were afraid of losing the bigot vote. The Southern Unionists and the Catholic gentry in the assembly behaved well and worked bravely. Unfortunately the procedure of the Convention degenerated into competitive reports. With regard to these the old defect of Irish mentality showed itself among all the Nationalists. Each group determined if they could not impose their report on the meeting that they would spoil any other report. Had the matter been dealt with by progressive resolution the following proposals might have emerged.

(a) That the ultimate settlement of the Irish question should be the constitution of Ireland as a Dominion of the Empire with autonomous provinces.

This would have been carried by "substantial agreement," though the mere Orangemen might have dissented.

(b) That the Provincial Parliaments should be instituted at once.

This of course would have been on the assumption that the first was carried. It might or might not be desirable to leave Dominion Authority with the Imperial Parliament for a while.

(c) That the Dominion Parliament, i.e., for the whole island (subject to the question of finance customs and excise) be set up at once.

This was substantially agreed to, but the rival reports were so overladen with controversy on the matters of exception that they presented little semblance of agreement on anything.

(d) That finance, customs and excise be entrusted to the Dominion Parliament at once.

On this there was not substantial agreement.

(e) Alternatively, that these matters be completely excluded ; no agreement.

(f) If not at once, that these matters be committed to the Dominion Parliament within seven years.

There was in fact "substantial" agreement on this, but expressed in a peculiar way. The contest between "seven years" and "at once" was stupidly conducted as a contest between "now" and "never." The people who were in favour of immediate plenary powers, managed to vote as if they objected to plenary powers even at the end of a term of years.

In fact, however, the Convention proceeded along the line of most resistance by seeking to set up one Parliament only for the whole of Ireland, leaving customs and excise to be dealt with later and making no concession to the feeling of the Orange corner of the Island. As the representatives of this district had been secretly given a power of veto on the proceedings, the scheme was abortive. The folly of the Nationalist modes of controversy prevented the report from presenting the appearance of "substantial agreement," even in those matters

in which it had in fact been reached. It is hard to find an explanation for the failure to make concession to the North Easterners. In spite of their subservience to the foolish phrases of intolerance, they represented a community essential for the sustainment of National existence, and the grasping spirit that sought to include them at once in an Irish Parliament was certain to drive them out of it for ever. The "safeguards" for the Protestant minority suggested in the report were beneath contempt. Protestants as such need no safeguards in Ireland. To band them together as perpetual aliens and provide for sectarian "representation" was futile and insulting.

What the East Ulster men attacked most bitterly was the proposal to take over at once customs and excise. They were right in this. Not only was there no necessity for any meddling with this question but every educated Irishman knew that, were the power given, there would be overwhelming temptation to use it, and using the power to set up a customs barrier was bound to ruin Ireland. The country depends exclusively on agriculture. Raising the cost of living and the cost of working the land can only result in the impoverishment of the people. Shipbuilding in Belfast and Derry is of course dependent on Free Trade. Protection in a country that has no coal, iron, or water-power capable of economic development is a policy of insanity.

During the deliberations of the Convention there was a lull, in which an educative campaign might have been waged against the unceasing recruitment of the secret societies, and to deal with this the Catholic Church was appealed to in vain. Maynooth was turning loose as members of the Clergy an increasing number of irresponsible extremists. These young men were using the Church as a centre of propaganda for the underground organisations. The Hierarchy did issue a pronouncement in vague terms about

dangerous associations whose membership involved excommunication, but the members of Hierarchy were afraid to speak in plain terms, or to silence the Sinn Fein curates. The secret societies became convinced that the Church would never dare to fight them.

CHAPTER XI

THE CONSCRIPTION FIASCO

THE Convention dragged along. The Irish gentry of the South and West displayed a patriotism which marked them out as the one body of courage and principle in whom the country might find hope. They had been Unionists; they still believed that in Unionism the country would best prosper if co-operation of the people could be secured, but they recognised that this was impossible. With the co-operation of the people any form of self-government would be better than the perpetuation of a contest in which neither side was likely to yield and by which the nation was being crippled. To serve their country they yielded, and undertook to lend their aid in helping Ireland to govern herself. All honour to them. No such patriotism could be instilled into the small minority that represented the North East corner. Being assured by the Government that they need not assent to anything, they did not assent to anything. The dissent of a faction of the party to whom this pledge was originally given was the contemptible excuse for ignoring the recommendations of the Assembly.

The Government pretended indeed that they were not going to ignore them. A Bill of sorts was to be introduced. The Cabinet were thinking about it, talking about it; some anti-Irishman was going to draft it. The report of the Convention contained a clear warning against any proposal to introduce conscription in Ireland except by decree of a Native Parliament. If there was the smallest truth in the assurance

that a good Home Rule Bill was really intended to be carried, there was not the slightest difficulty in providing that the various conscription acts would come into force in Ireland one week after the meeting of the Irish Parliament, unless that Parliament otherwise determined.

In January, however, the Ulster Unionist Council noted that the victims of Maxwell's escapade had been released, and that some fresh means of irritating the people were necessary. They commenced an agitation to inflame the country by threat of conscription. The situation of the British Empire in the spring of 1918 was no doubt desperate. Russia had ceased to exist. An armed secret society had reduced the Russian people to slavery. The dominant faction in that vast territory were too much intent on the conquest of their own country to trouble themselves about external affairs. The Central Powers were free to concentrate the whole of their resources on the task of smashing the allies before American intervention could become effective. It was a time in which every source of protection from the threatened onslaught was explored by British Ministers in panic. In their agony they turned towards Ireland. They were urged by the conscious malice of the North Eastern bigots and by the ignorance of reactionary Tories to conscript Irishmen. The "Ulster Loyalists" should have appreciated the disaster to the Empire that this insanity might involve. They seemed to care nothing for the Empire. The risk of smashing up the Empire might be party profit for them. That was all they thought of at the moment. The ignorant self-satisfied Englishman had been so long drugged with the falsehood that Ireland was only an English County, that he believed it was true. In his mind it was inequitable to have conscription in Kent and not in Connaught. No Irishman was consulted. The British mind was saturated by the official

military theory that Ireland had been in rebellion. That scores of thousands of Irishmen were serving in the army was of no significance to the intelligence of the War Office. All that that institution could think of was that in 1916, fifteen hundred selfish and deluded men had created panic and misery in Ireland. To the permanent officials of the War Office, the fifteen hundred were "Ireland," the scores of thousands in the battlefields were nothing. Bullied by the permanent officials the Government carried a bill authorising the application of conscription Acts to Ireland by order in Council. They never were applied. At no moment had conscription the validity of law in Ireland. It was not for want of malice. The permanent staff of the War Office was more anti-Irish than anti-German, but it was impossible to make conscription practicable within six or seven months at the least. The insolence of the thing might have lost the war to please the Carsonites.

Conscription would have produced no soldiers. It would have dissolved every vestige of government and social order. The country would have passed, as it subsequently passed, into the control of criminal bands. A mob of anti-English would have been imported from America, and the Munster coast would have become a base for German submarines. Irish Nationalists were bound to resist this proposal to the bitter end. It would indeed have been a fit and proper alternative to any policy of treachery toward the great army of Irishmen, who at Ireland's call were awaiting the German attack. In the excitement, even their own countrymen were prone to forget *them*. The Irish Party had been dissolved by Dillon's speech on the Easter Week outrage, and by their dishonesty in competing for popular favour with the Sinn Feiners. The O'Brien and Healy faction showed a shade better record, and improved their position by honest support

of the Irish Army in the field. The annual meeting of the Catholic Hierarchy took place at Maynooth shortly after the passage of the Conscription Legislation. The great majority of the Catholic Bishops took the view that the result of an order in Council applying conscription in Ireland, would be tantamount to handing Ireland over to the machinations of the undesirables, and that this had to be avoided at all costs. The Hierarchy issued a manifesto. It is humiliating to record, that before it was issued, the representatives of the excommunicated societies were consulted, and their approval solicited. In effect, however, the pronouncement was no more than a truism to any educated member of the Faith. It declared—quite truly—that conscription was a “penal” law, not binding in conscience. It might be (passively) resisted or evaded without moral censure. To the ignorant this looked like a revolution, but the ignorant—including many “Catholics”—were not aware that by the law of the Church, obedience to the law of the settled authority that preserves peace and order, is a matter of conscientious obligation. The reactionaries were staggered. Their denunciations were ludicrous. Screams and ejaculations about treason and rebellion resounded in the anti-Irish ranks. The political nonsense that their Lordships at the dictation of the Sinn Feiners had included in their otherwise simple pronouncement, was most regrettable, but the commotion it raised was amusing. I called together a meeting of all the Catholic King’s Counsel, and endorsed the declaration of the Bishops. The din commenced again. The Government threatened to dismiss me from my office and to revoke my patent. When the Attorney-General attacked me like an infuriated cheese, I asked him, did he think that it was the black patch on my wig that led the Irish Bar. It may have been a strain on many of my colleagues to support me, but

no Attorney-General could depose me from whatever position my brethren chose to accord to me. The Cabinet threatened and ran away. With voice and pen I had kept before my countrymen the fact that the question of conscription had nothing to say to the obligation of the country to maintain her army in the field against Prussia. I would lend no countenance to the criminals who sought in the confusion of the resistance to conscription to betray the Irish soldiers in France. In the end I won. I was not dismissed. I remained the King's Serjeant, I was asked to re-organise recruiting in Ireland. I agreed on condition that I should be given an effective voice in the government of the country, and I was appointed Chairman of the Irish Recruiting Council. One other stipulation I made. I would serve in Ireland until the following October. The executive should then invent some excuse for sending me to the battle line in France.

It will probably surprise most Englishmen, as in those days it surprised the Government, to learn that the Irish agitation against the contemplated Order in Council was a perfectly legitimate exercise of constitutional right. All Parliament had done was to declare that conscription *might* be applied to Ireland. To threaten a non-political Law Officer with dismissal for urging that it should not be so applied was a piece of impertinence that could be carried no further.

There is no educational machine to compare with the conduct of a department. The old Library in the Four Courts was an excellent preventive of swelled head, but the administration of a department of government, induces a consciousness of deficiency as nothing else in my experience. I was splendidly helped. I had as my colleagues on the council, Sir John Leslie. Sir Maurice Dockrell, Sir Henry McLaughlin and Stephen Gwynn, Irishmen all. For my secretary was seconded to me Colonel T. B. Sellar. He was acquainted

with my anti-conscription record, and regarded me with most serious apprehension. I never had any doubts about him; no man could mistake him for anything but true soldier, true gentleman and most loyal comrade. To one who commences the battle of life early, middle age brings loneliness. New friends and true friends are priceless. It was a reward beyond measure that in our association I won his regard and held it until his death. Colonel Reid Hyde of the Canadians came as my Chief Officer from M.N.S. All his ability was placed unselfishly at our service. Happily too the dissolution of our Council did not dissolve the ties of our association. Two Brigadier-Generals and three other Colonels reduced me to absolute humiliation by their acceptance of the members of our Council as their superior officers. In the end, seventy or eighty soldiers were at my command. I hope that there was not one who did not know me as his friend. No man was ever so kindly and loyally served as I. No one was more staunch in many trials than the Viceroy. He also did not conceal that he disagreed most violently with the part I had taken against the conscription proposals. We met and discussed the situation without reserve, and we came to terms. Under the gravest strain, when his judgment and mine differed widely, he stood to his word and backed me up, though his shifty Government often refused to keep faith. Through him, I caught a glimpse of the sort of thing that had made honest government impossible in Ireland under the British administration.

There was certain legislation upon which I had insisted as a condition of accepting office. It was promised, but it was not introduced. It was purely an Irish affair in which I had the backing of the Lord Lieutenant, the Chief Secretary, the Lord Chancellor of Ireland, the Attorney-General and the Solicitor-General, and I had the unofficial support of prominent

members of the Irish Party. Nothing was done. The project was vetoed, nobody could tell by whom. I came to London to get some explanation. I lunched with French the day I was starting. "If you can find out, Serjeant," said he, "who is governing Ireland come back and tell me." He became one of ourselves. He stood by us, helped us, encouraged us, and demonstrated to the limit of his powers his backing of our authority. Rightly or wrongly I formed the opinion that he loved the War Office gang about as much as I did myself. He was an Irishman. He broke his heart trying to explain to the Cabinet that the real government of a country depends upon its religious authority, and that no government of Ireland was possible unless the Catholic Clergy recognised their responsibility and faced it. The Government would not let us approach the Hierarchy.

The position of the members of the Irish Local Councils was at that time one of difficulty. In the Nationalist districts practically all the Councillors had been elected quite recently in opposition to Sinn Fein candidates. The ambiguous performances of the Irish Party had, however, rendered the position of local Nationalists insecure. The Councillors were personally in favour of recruiting, but they wanted to secure their seats. With the warm approval of these harassed men, the Irish Recruiting Council drafted a short bill applicable to the English agitation against aliens in public offices. It provided that no one could hold a public office or become a candidate for one without making a declaration of allegiance and of British Citizenship. Cheap and summary means of enforcement were devised. Every Nationalist knew that once a man complied with such requirements he was beyond the reach of Sinn Fein propaganda. Furthermore all the local nonentities who were dishonestly coquetting with Sinn Fein in order to secure victory at local elections, would perceive that

their bread was buttered on our side. The bill would stop the rot and be a real protection to the Nationalists in office. The Cabinet rejected it. .

Getting recruits was not our main task ; we took over the management of a country with a rebellion seething under our feet, with the population in a panic, with public opinion lost in hysterics, with unpunished crime rearing its head. Our first step, and the one great thing that we did accomplish, was to quench rebellious treachery, to quiet the minds of well-meaning men, to allay excitement and to get the nation to think calmly of its own honour pledged to the boys in the trenches. We did this. It took time. It called for patience and for some resolution and firmness. With the loyal and devoted help we had, we won through. During our "Tyranny," there was no bloodshed, there were no martyrs, there was no "gladiathering," as the Cork man would say. Our country at least enjoyed peace, while the war lasted, and when peace came to the world Ireland was laughing at its rebels. Ours was a good tough job. Any fool is fit for an easy one.

We issued our manifesto in language that appealed to our own people, in terms that they understood. At once the War Office re-acted. In the opinion of the animated fossils of that Department we should have insulted, derided, and bullied our people. This clique made up its mind that we were rebels at heart and made its opinion felt. I fear that I did not disguise my opinion of them in return. I remember well one evening Colonel Sellar bringing in the day's letters to be checked and signed. When I had gone over them he gave a deprecating cough and observed that he had not had the letter to the War Office clear typed as he thought I might like to look it over. I read it and it appeared to be an accurate transcription of what I had dictated at the meeting of the Council that morning. The Colonel then assured me that this was hardly the

tone in which one public department was accustomed to address another, and I eased the blow to his feelings by pleading that as chairman I could not revise the terms of a letter sanctioned by the Council, so it went as dictated. In my public speeches I did not mince matters. I stated candidly that the Government had no claim on the consideration of the Irish Nationalists, but the Nation had no right, merely to spite the Government, to betray the boys she had sent to battle. The Party politicians made a bid for discontented popularity by criticising our Council. We placarded the country with extracts from their own speeches urging the duty to support the Irish Regiments, put their own signatures under them, and they "retired hurt," as cricket reports say. The Sinn Féin reptile press launched abuse. The Press Censor was ready to wipe out these publications, but I demurred. I struck a bargain with the fustian literateurs. They were to be free to write libels about me, about the Council and about the Government, and to blow themselves out to bursting point with sedition provided they published a two-column display advertisement written by myself in every issue, for which contribution advertisement rates would be paid. Officialism screamed at subsidising sedition, but I reached the audience to whom I most wanted to address myself.

One morning Edward Shortt, the Chief Secretary, came into my Council. "That was a classical opinion that you wrote for the Rebellion Losses Commission," he said.

I was not conscious of having written any opinion for that body, which had been set up to deal with claims arising out of the damage caused by the rebellion. My attention however was called to the fact that some time previously I had received a letter from Mr. Hastings, the printer and proprietor of a Loyalist journal in the West of Ireland who was anxious that I should use my

influence to get the Losses Commission to re-consider his claim which arose under the following circumstances. The lunatic officer who shot Sheehy Skeffington, shot two other men with him. One of these poor chaps was named McIntyre. He was the editor and proprietor of an anti-Larkinite journal in Dublin, and he conceived that his mission in life was to prove that Larkin was the offspring of James Carey, the Phoenix Park murderer. Hastings used to print McIntyre's paper, and at his death McIntyre owed £182 on his printing bill. This sum Hastings wished to recover from the State as a loss incurred by the rebellion which caused the death of McIntyre, but his application had been refused.

I had answered sarcastically to the letter addressed to me, that I thought the claim should be considered by merit of its audacity, but there was a risk that the Government might counterclaim for services rendered in shooting McIntyre before he owed twice as much.

On receipt of this Hastings wrote off to the Rebellion Losses Commission that he was now advised by learned counsel, Mr. Serjeant Sullivan, K.C., that his application ought to be reconsidered. The Commission desired to be furnished with my opinion. Hastings sent it. Shortt told me that when it was read there was two minutes' silence: then some wise man said that Irish Counsel wrote queer opinions.

Our propaganda steadied the country. The decent people who read "loyalist" papers need no urging to keep the peace. It was the hot headed and thoughtless young people, the readers of the reckless and anarchist press, who required calming. Suppressing their supply of inflammatory journals would not bring sense to them. I used these journals as the only means through which I could reason with these young folk as Irishman with Irishman. If they did not approve at least they understood. In spite of themselves they thought over the

new aspect of National duty for the first time presented to them.

During our campaign I never had experience of personal discourtesy of any kind. As far as I could I went to the most troublesome districts. My speeches were listened to without any manifestations of hostility, at the time when other orators were treated with scant courtesy. Once or twice I took over a meeting which threatened to be broken up by interruption. My early training in addressing riots had taught me some useful principles of public speaking. Having been warned that a recruiting lecture at Limerick was to be shouted down, I attended myself to see fair play. I was not on the programme and had no special duty. The lecturer was a gallant officer of the air force, but as he had come down in flames in no man's land a short time before, his voice was not particularly strong and there was a large crowd outside expecting a row. A body of about forty young men under command of a local "patriot," set out to drown the lecturer by concerted noises. The Chairman was powerless and English officers are not trained to lecture under such conditions. When the disturbance had gone on long enough, I took over. The first principle of dealing with interruption is not to pay no attention to it, but is not to hear it. Practice will close the ear against it. It is then necessary to speak in a clear resonant tone, not necessarily very loud but slowly and carefully. The portion of the audience that wants to hear will soon attune its hearing to the speaker's wave length. The meeting discovered this with delight. The crowd outside could hear no voice but mine. After some time the band of disturbers found that they could hear me in spite of themselves and when this stage was reached I turned my tongue upon them and scourged them. They became the laughing stock of the hall, and they rose and left amid jeers of the crowd. The ridicule that this episode

brought upon the Limerick republicans was much more useful than any prosecution could have been.

Measured by numbers little can be said of our success in winning recruits. Happily the need for recruiting ceased by August. By the middle of that month the Germans were beaten. My father-in-law's gallant old Chief, General Longstreet, often spoke of the hopelessness of the military position of the Confederacy after the fall of Vicksburgh. Once you are within a ring, he said, you are beaten. You may manœuvre masses of troops more rapidly than the outsiders, but if the only result of your attack at any point is to push out the encircling line, you have only made the ring bigger, and the inside weaker. The moment it is broken at any point all is over. The summer had proved that the Germans had only enlarged their ring and weakened it. All their splendid genius for warfare was now centred on the task of contracting it again, while their beaten and broken nation murmured against the war. It appeared unlikely that any recruits that now enlisted could be trained and put into the line before the termination of the war, and to join an army that was not going to fight, was not a proposal that appealed to Irishmen. In October I went to France. The soldiers who served on my staff had given me some insight into the great traditions of their calling. The army in the field engraved upon my mind memories of gallantry, kindness and comradeship that can never fade. What pleasure these splendid boys could experience in making an elderly lawyer feel that he was one of themselves, was beyond my comprehension. That my strange presence might amuse them appeared natural, but that my company could be anything but a bore to high spirited youth was difficult to believe. Not a day passed without some manifestation of thoughtful friendliness. There were a few awkward moments. On my arrival at the front, I was afforded a glimpse of what must have trans-

pired before I was despatched. The Army Council said I should go. This decision I felt that I owed to Lord French, Sir William Robertson and Sir Henry Wilson. The War Office evidently raised difficulties, first by themselves, then through the poor Divisional Commander who was condemned to receive me. This worthy wearer of the Victoria Cross was primed in advance with a description of myself and my principles that filled him with alarm. He told me all about it. I reported at his Headquarters about four o'clock one evening, and I was told that he had left orders for me to proceed to my billet and to remain there until I was sent for. I was summoned in about an hour. I saluted and stood by his desk while he completed his work upon some documents before him. At length he turned to me and stated that he wished me to understand that I had been sent out to him against his will, and in spite of his most emphatic protests. He understood that I was some sort of an Irish politician. He was not going to have his troops demoralised by talking politics. The Army Council had given an undertaking on my behalf that I would talk no politics while I was with his division. He hoped I would respect that undertaking. I might also understand that he had objected to having useless civilians put under him, as when these got hurt, his officers were taken off duty to assist at enquiries into the misfortunes of the distinguished strangers. This, however, had been met in my case by having me put regularly "on the strength." Personally I was entitled to get killed anyway I liked without disturbing the routine of the division. Under the circumstances perhaps I might like to get back to base.

From the outset I was delighted with him. He was a real live soldier who appreciated that his job was to conduct warfare, not to supply peep shows for tourists. It was an outrageous thing to burden a divisional

headquarters in the front line with a nondescript like myself. I was, however, too selfish to get back to base and I stayed on a worthless but devoted admirer of my Commander, until his division left the line. The old soldier showed that he could make the best even of an ignorant long legged bad job imposed upon him by the Army Council. I discovered later that he escorted me round all the "windy corners" of his front to emphasise the desirability of the comforts of base or G.H.Q. I was too stupid to see it. I was aware that there were a certain amount of unpleasant sounds and some unpleasant sights in the neighbourhood of a battle front, but I did not appreciate that they might affect my personal condition. One day I was crossing an open field of beet with the General when I halted him to give me some information about shells. There were a considerable number of them bursting around us. Some with a violent crack and a blaze, some with a boom and a shower of mud. Some spluttered in the air. All were an interesting study to a stranger. I was instructed in the art of distinguishing the rapid detonator, the slow fuse and the shrapnel.

"But what is that funny fellow," I asked, "that whistles before he explodes?"

"He doesn't," said the General.

"Why that fellow whistled like an engine," I said.

"The bit that passed between us whistled," said he, "and you heard that before you heard the explosion. Besides it is not usual to halt a General Officer in the open under shell fire, so we'll move on."

I hope that I kept up the appearance of moving on steadily. My knees were not robust. A new view of hostilities had just been presented to my mind. If fragments of shells were so indiscriminating as to whizz between me and the gentleman with whom I was conversing, one of these ill-conditioned things might hit me—perhaps kill me, although I was really taking no

active part in these noisy proceedings. It was most disquieting. The war appeared to be entering on a really serious phase, when shell fragments and perhaps bullets might so misconduct themselves. I had no military duties. I was consulted as to what I would like to do and sent off to do it. I entered a mild apology for some of my escapades, and was informed that the Army Council in a thoughtless phrase had stated that I was to do what I liked, and the gruff but most kindly old gentleman who commanded me, carried out the Council's phrase to the letter. He tried to make use of me once. He asked me to sit on a Court Martial, explaining that the Divisional Tribunal was no good and had not shot a man since the Lord knew when. He told me all about the case, and indicated what I should do: so I shirked it by pleading that his conversation had destroyed the impartiality of my judicial mind. If there had been a military decoration for patience and endurance of suffering, my visit would have qualified all the hospitable leaders of the units of the division afflicted by my presence. When they came out of the line I transferred myself to their successors. When I announced this to the General commanding the relieving troops, he was too polite to disagree with me.

Here, however, I underwent some discipline. I had a young relative on the staff, and I was handed over to his mercies. Apart from my age and dignity, I believe I was entitled to his military respect. He bullied me. He found fault with my personal appearance and with my clothes. He said I was all right from the waist down, but I needed a tunic. According to this high authority there was only one person in the world who could make a real tunic and this was a tailor in the Dublin Fusiliers. I was fired out one cold afternoon to find the Dublin Fusiliers, and get a decent tunic. No pains were taken to direct me properly. I was told the Dubs were behind Moukron. When I got across

the railway I was told that they had marched down the road to Dottignies. I pursued them. When I got near to Dottignies, for the first time I saw a German aeroplane flying close above my head. It was quite interesting, and it did not need its machine gun to attract my attention. I soon appreciated that it was signalling the movements of troops. As I entered Dottignies there was a disconcerting explosion close to me. A house at my right hand side started a vertical undulating movement of a most unpleasant appearance. I ran and the house fell at my heels. A moment later there was a noise on the left. Another house shed its parapet. I knew it was going to fall, so I ran across the street, where a third house tried to bury me in bricks, the second house never having fallen at all. I thought on the whole I would face an angry relative rather than this, so I went back to Headquarters and wore one of his tunics for the rest of the campaign.

Just after the Boche had evacuated Bruges, I was crossing one of the bridges with my old General and his A.D.C. A small man with a silk hat approached us. He took off his hat and put it over his heart to keep it warm, then he said, "You are the first British officers I have seen for years; may I shake your hands?" He shook hands with the General, and the A.D.C., but he also did not like my tunic and he gave me a miss in balk. "Ah de horrors of war," he ejaculated. "You do not know what we have suffered. I am the proprietor of the X Hotel at Knocke, patronised always by de British officers. It is terrible. De Boche came and took my good wine. He did not pay one half de value. De shell fire has broken nearly all de windows. Dere is no one to repair dem. And de golf. De golf is ruined. Dere are shell holes in de greens!!"

At eleven o'clock on Armistice day we were all staring at one another wondering what had happened. It was some time before we realised that we were stunned by

the silence. Men commenced to walk on tiptoe and to talk in whispers. As evening fell there came a gloomy reaction from the dreadful years. Life had now to be faced in which each man's actions would be framed and directed by himself. No more the round of prescribed duty. No more provision by others for daily needs and daily opportunities. Two vast unhappy armies looked into their camp fires the night the guns ceased booming. Our mess was in the refectory of a convent out of which our guns had shelled a German Divisional headquarters a few days before. In addition to the detonators that made the different noises there must have been detonators that made no noise at all because they failed to explode. A ten-inch shell had come through the wall of the room and was poised on its point leaning slightly against the mantelpiece, where there were hand grenades and cartridges mixed with statues of the Blessed Virgin, and holy pictures and objects of reverence. The fire-place was full of stink bombs. We had just sat down to dinner when the door opened and there entered two nuns. The elder one spoke French that we could understand, the younger one spoke English that we could not. Our Colonel placed them beside himself at the head of the table and we learned that they had been turned out of their convent a long time previously and had been the guests of another community some miles away. Our line had been established far to the East so they came to see what was left of their establishment, and they became our guests in their old home. My relative being a flatterer by art and nature commenced to lavish compliments on the younger sister for her proficiency and fluency in speaking English.

"But course I spick English," she replied. "My name ees Maloney, and I am from Tipperary."

I wonder how many Irish people there are in the world. Only a small proportion can live in Ireland.

CHAPTER XII

THE NEW EVANGEL

A FEW days after the Armistice I was summoned home by Lord French.

His first thoughts were for the returning soldier. No one was closer to his affection than the Irish lad who had followed the fortunes of war under the command of the victor of Ypres. The problem of the returning soldier was none too hard to solve in the spirit in which the news of Armistice was received. So long as the Irishman kept in his memory the circumstances under which his countrymen had joined the colours, native chivalry could be trusted to welcome the warriors. The Viceroy summoned to his assistance the members of the Recruiting Council, and asked them to volunteer for the service of demobilisation and resettlement in Ireland. It was impossible to refuse. Government officialism stood aghast. At the public cost, this Council had been preaching the doctrine that an Irishman's duty was to serve Ireland. Thousands of pounds had been paid to all sorts of questionable journals to insert advertisements to this effect. The Treasury regarded the Council as a body of pirates and traitors. During the war they had to be tolerated for some reason known only to the little Irishman who commissioned them. It looked as if this sacrilegious propaganda was about to be perpetuated, when the Lord Lieutenant was stricken down by a serious illness. By the time he won back from the shadow of death, his Council had been disbanded and the English Ministry

of Labour had taken its place. All propaganda was stopped. In six months, Ireland was in flames.

To appreciate what happened, it is necessary to turn back to the period during which "Nationalist" politicians were competing for the support of disorder. The rebellion had been in name the joint enterprise of the Citizen Army of anarchists, the I.R.B. and the Irish Volunteers, although the best of the leaders of the Irish Volunteers had tried to save the country from it. There followed complete amalgamation of all these agencies together with a federation of local gangs. The anarchists recruited through their Transport Union, while all adopted the formula by which the Volunteers had trapped their boys and girls into a society banned by the Faith which they professed. At the best of times, an Irish youth hears little doctrinal instruction in the principles of morality applicable to his conduct towards society. There is a tendency to believe that Ireland is a Catholic country by intuition and that it is not "expedient" to instruct young men and women about matters in which the politicians claim to be supreme. The persons who should be teachers are perhaps not very well instructed themselves. A popular superstition promulgated the idea that the Catholic Church excommunicated members of an oath-bound secret society but that so long as no oath was taken, Catholics might join any society they liked, no matter what might be its objects. Even in their ignorance, however, the young people instinctively recoiled from the brutal and cowardly projects for which they were required, and to stupify their conscience, the following declaration of Faith was fiendishly devised. Recruits were required to declare that they recognised the confederation of Secret Societies under the name of the Irish Republic as the legitimate Government of Ireland; that they recognised its armed slaves as the lawful Irish Republican Army; that

they believed it was the duty of every member of the army to obey the orders of his superior officer without question, that as obedience to orders was a virtue no "soldier" should mention in the confessional any act done "by order"—even to the taking of human life. Further to salve the feelings of the decent boys this "Republic" purveyed "chaplains" to insure the acceptance of this dreadful charter of degradation.

The meshes of the net gradually closed upon the helpless creatures that were tangled in the fine phrases of their brutal proprietors. At first there were demonstrations of silly bravado, then drilling and instruction in the military jargon. The farcical pretence of being an "army" was elaborated in ridiculous detail. Then came the mean and dastardly practice of raiding for arms. Humble homes were invaded by masked bullies and arms were stolen. In some cases kindly Irishmen were murdered when they resisted being robbed. Crime's progress called for attack on police barracks, involving murder, arson and robbery. Finally, there came the beastly cowardice of waylaying unsuspecting men, and blowing them into eternity.

These various stages of brutalisation of the Irish race mark the progress of the intrigue by which the Anarchist reduced Sinn Fein to slavery. Once a man or woman was caught in this leprous organisation, there could be no escape. Those who sought to return to Christianity were liable to be assassinated as traitors or spies or informers. If the nameless and unknown proprietors of the machine conveyed through a "superior officer" an order, no matter how inhuman or revolting, it had to be obeyed. The "soldiers of the Irish Republic" were required to talk loudly of liberty, but were themselves owned as the cattle of their masters.

Behind the scene the struggle for mastery went on. There could be nothing in common between the old Sinn Fein and the criminals. The Sinn Fein movement

was originally founded as a League of Irish Economic Independence. It was in its inception truly national. Its object was to make Ireland self-supporting and self-reliant. Its doctrines were those of Irish Nationalism practically applied to Irish trade. It co-operated with the Gaelic League in seeking to make Irishmen interest themselves in the affairs of their own country. Even when these two organisations were captured by the ignorant and vicious clique that diverted them from their original ends, their tradition was too strong to be entirely broken. Their old members still strove to think of Irish interests and of Irish honour. The I.R.B. and the local moonlighters and Invincibles aimed at the destruction of law and social order, as did the Proletarians of the Larkin school who were Internationalists.

While the Sinn Fein idealists went into hysterics at the word "British," their labour allies regarded "capital" as the enemy. Sinn Fein advocated the restoration of Grattan's Parliament and subsequently babbled of a Republic as in France or the United States. The "workers" were quite resolved that the Irish Republic should be a land of freedom for workers only, and to achieve this they designed utterly to destroy all Irish social organisation. As five-eighths of the Irish people were owners of farms, and half of the remainder were "capitalists" owning other property, one might expect that the task of the workers would soon be abandoned as hopeless. An ignorant people, however, guided only by unreasoning passion, may be tricked or cajoled or bullied into any course no matter how disastrous to themselves. If Ireland could be reduced to servitude to the secret societies, the "workers" had only to obtain control of the inner ring, and they would possess the land.

In any organisation rooted in secrecy and violence, the chances are that the most pitiless brutes will come to the top. The name of the Irish Transport Union was

misleading. The Union embraced not only transport workers, but also clerks, shop assistants, farm labourers, and miscellaneous wage earners of all sorts. Once the Sinn Fein "Idealists" joined forces with this body "idealism" was doomed. The criminal confederation of the I.R.A. was exclusively composed of clerks, pot boys, shop assistants, labourers of town and country, and *younger* sons of small farmers. These last joined on the assurance that when the "Republic" was established, they would supersede the elder brother in succession to the farm. The rank and file were boys and girls, sworn in by the National school teachers. The boys at the schools, the girls in the Convents. The school teacher class, male and female, was the most ignorant and self-opinionated body in the land. It was thus clear that in a purely agricultural country, the dominating tyranny was to be vested in a minority ignorantly hostile to the farmer. Their triumph has of course reduced the productivity of the South by thirty per cent.

Before they went into the General Election of 1918, the old Sinn Fein section must have known that they were beaten. It is perfectly true that their flag was accepted as the emblem of the united factions, and that their phrases were adopted as the formulæ of the unholy union, but they must have been well aware that the majority of the selected candidates were in the control of a ring of ruffians.

The Sinn Fein Party can never escape responsibility for its cowardice. Yielding to the blackmailing pressure of their allies, they sold to bullies the country they had failed to sell to Germany. The Irish Party had no policy to lay before the country. They had alienated all independent and intelligent Irish sentiment in their efforts to secure the support of disorder, and they had failed to conciliate the criminals for whose support they cringed. They fought without principle and were wiped

out. Captain Willie Redmond, Jr., conducting his campaign in his khaki uniform, won as he deserved to win his seat in Waterford. He was the only Nationalist elected outside of Ulster, where a compromise was carried, by which half the Nationalist seats were betrayed to Sinn Fein.

The Irish elector who desired to see his country ruled by her own intelligence and judgment, had no candidate to vote for. The Irish Party would undertake to abuse the British Government, the nominal Sinn Fein Party would undertake to defy the British Government, the Unionist would undertake to support the British Government; every party laid stress upon its attitude towards British Government. Ireland's business seemed to be nobody's business.

In truth nobody realised the danger of the situation. The policy promoted by Carson, Smith and Bonar Law, received no support outside of a limited area in the North East, where appeals to bigotry could fire a mob. The Irish Unionist Party, as a whole, would have none of it. To punish the Southern gentry, and at the same time to imperil the foundations of Nationalist effort, about 1912, the Orangemen commenced to threaten an agitation for the partition of Ireland. At that time the idea was most properly treated as absurd. The resurgence of universal Nationalism in 1915 had rendered all old controversies obsolete, but the mean crime of Easter Week in 1916, and Dillon's meaner apology for it, had made partition a possible disaster. The true mother would give her child to the hated stranger rather than witness the murder and mutilation of the babe she loved. The true Irishman would withdraw indefinitely the unanswerable claims of his nationality, rather than risk the murder and mutilation of the land that bore him. Even in 1918, however, none of us could believe that the day would come when our nation would be so beaten, so broken,

so dishonoured, that the old country might be hacked to pieces and the old race divided and parcelled out between two tyrannies.

Eighty seats were contested by the ambiguous "Republicans." Their methods of contest were, of course, a denial of all personal freedom. In every election in which party machinery takes part there is interference to a greater or less degree with the free judgment of the elector, but the handbook of instructions for the conduct of the General Election issued to Republican agents contained specific directions for intimidation, both for influencing votes and for preventing voters from coming to the poll. Every supporter of Sinn Fein went to the poll. In many cases intimidated absentees were personated in the Sinn Fein interest, in thousands of cases electors were compelled through terror to vote Sinn Fein. The position of affairs in Ireland on the eve of the election was as follows: Dillon had deeply offended Nationalist sentiment by his attempt to convert the party into a mere shadow of Sinn Fein. He had also alienated the best class of old Parnellite and old Healyite. Devlin's lukewarm secret society had lost members to the full blooded belligerency of the American Alliance, now affiliated with the pervert Sinn Fein. The O'Brien-Healy squad could allege no reason for its existence. The rebels would not accept their overtures and, like Dillon, they were afraid to put up a clean fight. The Sinn Feiners stood as ambiguous constitutional rebels. They had very few direct supporters, but they had a considerable following of local politicians who professed sympathy with them in the hope of getting Sinn Fein support for themselves at the local elections. The real strength of the Sinn Fein position lay in the great number of Nationalists who were certain to vote for any candidate who would oppose a Dillonite nominee, and in the still greater number of Nationalists who would vote

neither for Griffiths nor Dillon, but who would abstain altogether.

Sinn Fein polled 474,540 (of whom more than half were anti-Dillonites). The opponents of Sinn Fein polled 532,011; majority against Sinn Fein 57,471. Abstentions, namely those who were opposed to Sinn Fein, but would not vote for Dillon, 443,000. Total anti-Sinn Fein majority, 500,000. The Healyites and O'Brienites handed over their seats to Sinn Fein without a struggle under the delusion that a constituency or two would be thrown to them for charity. They got nothing. There were 475,000 voters in the uncontested constituencies who had no opportunity of expressing their opinions. One-third presumably would have voted Sinn Fein. Under the anomalies of the electoral system, with a minority of votes, the Griffith confederacy captured a great majority of the contested seats so that the representatives of less than one third of the electors were encouraged to pose as the spokesmen of the Nation that would not vote for them.*

If the country had had the smallest warning that the election of Sinn Feiners was to be made the excuse for bringing upon the name of Ireland the shame and soil and dishonour of the succeeding years, no seat would have gone to them. Many murderers were elected but they never stood as murderers.

"Sinn Fein" candidates were returned as seventy-three out of one hundred and three. Of the seventy-three, twenty-eight were Sinn Feiners, forty-five were the representatives of the armed secret societies, Labour I.R.B., I.W.W., and of local gangs of moonlighters and Invincibles. The claim of this confederacy that it represented the overwhelming voice of the nation was

* IRELAND. GENERAL ELECTION, 1918.—Total on Register, 1,926,274. In contested seats, 1,451,496. In non-contested seats, 474,778. Total who voted in contested seats, 1,008,551 = 69·3 per cent. of votes on the Register. 443,000 voters abstained from voting in contested seats.

Analysis of Voting.—Sinn Fein:—474,540, or 32·6 per cent. Nationalist:—225,188, or 15·5 per cent. Unionist:—308,823, or 21·2 per cent.

an impudent piece of mendacity, persistently repeated by every enemy of Ireland. Who the new members were nobody could tell. Beyond seven or eight whose names had been heard of before, they were obviously puppets. There were among them no men of mark in commerce, in agriculture, or in professional life. Some "labour" members were thirty years old or upwards, but in the main the new assembly represented callow ignorance. It was firmly convinced of its own celebrity, but the reputations of the individuals were confined within the limits of their own respective parishes. Until the election was over there was no mention of any policy of armed force in connection with the Sinn Fein party. No constituency was invited to vote murder. The "Dail" indeed disclaimed the I.R.A.

After the *debacle* of the General Election a few faint-hearted efforts were made to maintain in Ireland a constitutional party of Home Rulers. There was little or no response. The Centre Party maintained a small nucleus of organisers for a few months.

The incongruous seventy-three held meetings at the Mansion House, and assumed the title of the Dail Eirann. Were it not that their antics were to be paid for in Irish blood and by the destruction of all hope of Irish Nationality, the proceedings of this body would have rivalled the scenes of any comedy. They proceeded to "declare" that Ireland was a Republic. What that might mean they did not attempt to explain. The benevolent Spanish commandant of the forty snipers was "declared" President. In the opinion of the gathering this completed the Republican constitution. What were the functions of the President was a matter left to himself and apparently he was to fix his own term of office, his salary, his legislative and administrative authority and such other details as he cared to deal with. A number of "ministers" were allotted to

him. These comedians were still more indefinite with regard to place, emoluments and power. Beyond the loose idea that a Republic was something "democratic," that arose from being "declared" by someone and "recognised" by somebody else, there were not ten members of the assembly that had any notion of the meaning of Government. Some of the new statesmen talked Gaelic in phrases that bore suspicious traces of memorisation. One exceptionally fluent speech was rapturously applauded. It was in fact delivered in French. The whole thing was ludicrous save for the sinister and sullen attitude of the extremists. These practical persons made no fuss. They quite appreciated that they would have to spend a considerable time helping the minority to shout patriotic inanities, before arrangements could be made for smashing up social order and civilisation. They, however, laid a foundation for a campaign of murder, by carrying a resolution attacking the Constabulary, in spite of the timid efforts of the Sinn Fein members to water it down.

Workers cannot conveniently distribute other people's wealth in the presence of constables!

Of the difficulties of framing a new constitution the members of the Dail Eirann knew nothing. They were conscious of the fact that hereditary privilege was inconsistent with their supposed principles, but beyond this the articulate ideas of Sinn Fein did not dare to go. All authority was likely to drift into the hands of the clique who owned the "President," whose parentage and nationality may have reminded some, that the Presidency of a successful candidate among Spanish-Americans may last a very long time, unless terminated by violence. The "Government" did not know what to do with itself. There was no opposition. The representatives of Independence were clearly possessed of no independence themselves. The result of debates was prescribed in advance and the unanimity of the

orators was truly wonderful. It was not until the Sinn Fein element had been driven out of control that the Irish people were accorded any account of the sort of "Republic" they were to have.

In the Spring of 1920, the Bishop of Ross drew the attention of the Council of Agriculture to the obvious fact, that while the spokesmen of Sinn Fein talked of making war on England, every action taken in their name was directed to the overthrow of Ireland. His challenge was at once taken up. "The Irish Republic," said one of its new proprietors, "is not going to be a Republic like France or the United States, that have no idea of liberty. In the Irish Republic it is the workers that are to be free." Another influential controller of the body was equally plain, "Indeed we are not going to have a capitalist Republic like the United States, where they put Jim Larkin in gaol for making speeches like me." This candour, however, was not displayed while the Dail Eirann was openly meeting. Though it was not an intellectual assembly, the Irishmen in it would have resented the threatened institution of a Soviet, and the armed force was still to some extent influenced by Sinn Fein sympathies.

The action of the Dail eventually betrayed the fact that its dominant party regarded all existing machinery of the Government as "British." Mr. Larkin's great theory that everything should be smashed in order to make way for a new order of things was solemnly adopted (without acknowledgment) as a Divine Truth. There was not in the assembly sufficient intelligence to perceive that while Britain had an overbearing influence in a few departments of Irish affairs, the Civil Power was exclusively Irish. In 1919, Ireland was not a mere wilderness of disorderly savages, as the Sinn Fein movement would represent it; it was a Christian civilised land whose people were the masters of a highly efficient

though complex system of Government. When the strain came, the system was betrayed by the defective character of some of its officers, but for ten years before the German agents attacked Dublin, Irishmen had enjoyed profound peace and happiness, protected by their own Civil Power. The Catholic Church had untrammelled freedom. Its doctrines, where they prevail, safeguard the liberties of a people under constitutions far more tyrannical than have prevailed in Ireland in the present generation. It was manned by Irishmen sprung from the people. No Englishman had the smallest influence upon the policy of the Clergy. The first element therefore of the Civil Power, the moral authority whose function it is to teach the obligations and the wisdom of obedience of public law, was Irish.

The magistracy was Irish. The days in which English officials sat upon the Irish Bench could not be remembered. No man who was not Irish had any part in the administration of justice. The jurors were thoroughly and truly representative of the country. The Justices of the Peace to a very large extent were appointed because they were themselves local representatives elected by the people, or because they were recommended by the elected representatives of the locality. The higher judicial officers were without exception Irishmen, and perhaps with two exceptions in living memory they discharged their duties without prejudice or partiality. Witnesses and litigants were all Irish. The second branch of the Civil Power was therefore Irish. The third and last element of the Civil Power, the Peace Officer, was represented by the Royal Irish Constabulary, and the Dublin Metropolitan Police, Irishmen all, and a credit to the country. They were the friends and the protectors of her humble homes where happiness dwelt in security before the coming of the "Republic." The system of law administered by the Civil Power was essentially the Law that Ireland

accepted from Saint Patrick. It was the best attempt that humanity has yet made to translate the precepts of Christianity into mandate enforceable in the affairs of daily life.

When ignorant boors, label such law as "British," they pay to England a compliment that she hardly deserves. The statute law in Ireland had in many respects been in advance of other parts of the United Kingdom. No body of men existed that desired to change the law. Even to-day its justice and propriety stand unchallenged. Subsequent alteration has been for the worse.

The political Government of Ireland was in truth British. The Crown was British. It is not easy to define this element of Government. It is more than the King, though of course the political actions of the King were prescribed by the Ministers who were entirely beyond Irish control. "The Crown" represents the residuum of discretion that must be left somewhere when all the rigid rights and duties of complex citizenship have been discharged.

Higher patronage must be discretionary, though this power is constantly passing from the Crown. The one "British" taint of the Irish Civil Power, was the influence of the Crown, both in the flagrant political patronage that affects the appointments of judicial officers, and also in the discretion that can be exercised to a limited extent in determining the enforcement of the law, or in pardoning after sentence. In the policy of public administration in all Departments a great deal is necessarily left to discretion, and it is this power of influencing the spirit and the action of the great sectors of the machinery of government that made the Irish people sensitive of the foreign aspect of "the Crown."

International relations were regulated through the same channels, and in spite of the constitutional rights of Ireland, were regulated solely in the interest of England.

The legislature was "British" though its statutes derived their validity in Ireland from an act of the Irish Parliament. Irish opinion had no effect upon it by direct influence. Indirectly Irish Party Machines influenced the legislature by selling the support of Irish votes to English Ministers. Apart from this process Ireland had no power in the Imperial Parliament. If every Irish member advocated a measure for Ireland that was distasteful to the class that controlled the House of Commons and House of Lords, the measure would be defeated. The attitude of contemptuous indifference to Irish opinion on the part of the Legislature was to a large extent Ireland's fault. In Ireland everyone talked what was called "politics," by repetition of conventional untruths, but no one who studied the principles of political development was permitted to obtain a position in public life. Irish members were elected, not as legislators, but as political chattels to be traded at Westminster. They were not supposed to exercise any intelligence. They were supposed to vote as contracted for by their proprietors. Since the days of Isaac Butt no effort had been made to encourage the spirit of constructive statesmanship among any class of the Irish people. There seemed to be no object in doing so.

The "old spirit" of Sinn Fein prevailed in the Dail Eirann to the extent of carrying a resolution to raise a loan on "Republican Bonds" for the economic development of Irish resources. This was proposed by an old Sinn Feiner in good faith as an honest effort to bring peace and prosperity to Ireland and to secure her National livelihood. The Irish Irishmen of the Dail Eirann were not unmindful of the country's needs. However, they may have been misled by their excusable ignorance of Christian Doctrine and economic truth, they were honourably anxious to add to the safeguards of the country schemes of National Transit,

National Fisheries, National Mining, National Water Power Development, for the benefit of their constituents. All these schemes needed money, and it was proposed that not only in Ireland, but among all Irish sympathisers throughout the world, appeals should be made for a National "Loan" to be devoted to these benevolent purposes. That some of these fads would swallow up many millions did not trouble these economists. "The State" was to pay, and of course "The State" was an absolutely inexhaustable source of wealth.

The physical force party had no objection to the collection of money. They merely stipulated that one of the treasurers at home should be their nominee. In the end almost every penny collected went into the organisation of outrage. No Irish industry was helped: all Irish industries were damaged by the reign of anarchy eventually established out of the monies subscribed to "Republic."

It would have been impossible for the Dail to have continued long in open session without dividing into its component parts. If the Irish Irelanders were in a minority in this queer Parliament there could be no doubt that in the country they would have had overwhelming support as against the gunmen. Their triumph and the safety of the nation, depended upon their ability to appeal openly and directly to their countrymen. They had shown lamentable moral cowardice in their opposition to the resolution about the constabulary, but it was certain that sooner or later a definite split must occur between the men whose hope was the building up of Ireland in peace and the men who planned her destruction by violence. The vital factor would be the response of the country to the appeal of the old Sinn Feiners when the quarrel broke. The British Government rushed to the aid of anarchy. The Dail Eirann was suppressed. The open debates, the

open display of the worth and of the worthlessness of men, the sanitation of daylight and publicity, the protection of National opinion, were all swept away at the suggestion of some stranger in Whitehall. A movement, supported however ignorantly by probably a sixth of the electors, was driven underground, to be conducted under conditions such as are suitable only to the development of crime. The old Sinn Feiners were crushed.

CHAPTER XIII

I.R.A. VERSUS R.I.C.

FROM the date of the suppression of the Dail, the only functions of the Irish Irelanders were to screen villains and to collect money for them. Whether the old Sinn Feiners hoped to obtain control of the machine at some future time, no one can tell. In Ireland the people are taught, by shameful example rather than by express precept, that evil may be overcome by flattery and subservience. The excuse of shirkers for evading combat with the powers of darkness is always based on the cowards idea of cleverness. He explains his betrayal of principle by the assurance, that his apostasy is securing for him great influence over the scoundrels whom he serves, and "at the proper time" he will cease to be a slave and will assume triumphant command of the armies of righteousness. The "proper" time is of course some other time—never the present. For the present "popular" ruffianism should be cleverly flattered in order to be effectually overthrown at the mysterious "proper" time. It is difficult to blame the ignorant and humble men who permitted their names, their movement and their "army" to be dishonoured and disgraced without protest. They were only following the example of much more pretentious persons.

In the world's history there never had been devised a slavery so hopeless as that contrived for the members of the Irish Republican Army. Body and soul were put in servitude to the bullies of the inner ring. The unfortunate recruit by his profession of Faith, cut himself off not only from the counsels and the help of honest

companions, but from the counsels and consolations of religion. He was not conscious of the dreadful fact that by joining such a society he incurred excommunication by the Catholic Church, he was never permitted to know of that. But the prohibition against seeking spiritual advice about the society from any Priest who was not a "chaplain" approved by the murder committee, was a bondage of the conscience to which no Irish youth had ever been condemned before. To stupify the victim, he was urged to fortify himself by religious exercises as a preparation for committing outrage, and to frequent the most sacred ceremonies of his Church in thanksgiving for success in crime. Boys were instructed to go to Communion with pistols in their pockets before shooting policemen as they walked out of the Church door after Mass. The chaplains were most assiduous in teaching the holiness of assassination, which became glorified as a great military "victory" so long as its perpetrators professed to regard it as an act of warfare. Above all, the poor dupes were assured that the Republican Government and its army of murderers were recognised as legitimate and lawful organisations by two Archbishops and by four Bishops of the Catholic Church, and that if there were anything immoral in this religion, the Catholic Hierarchy would condemn it.

In the Spring of 1919, the claims of the organisers of violence to represent Catholicity in Ireland caused great uneasiness in the minds of the Prelates of the Church. The growth of homicidal and suicidal casuistry in the seminaries was disgusting, and its result in a growing clerical support for the chaplains of the Republican religion was calculated to alarm those who were interested in maintaining the unity of the Church, and who were Catholics, not by trade, but by conviction. The great old Prince of the Church, who presided over the deliberations of Episcopacy,

had never wavered in his warnings against the agents of secret societies.

In Connaught had arisen another Lion of the fold of Judah, who had the courage to maintain the Faith in his province. In Ross the poor had the Gospel preached to them. Dublin however threatened to become a den of iniquity without protest from its Metropolitan, and the spiritual guides of the greater part of Munster were making themselves popular in that sterile field of politics that is devoted to flattering the mob, and to abusing the British Government. Others were silent in face of the schism that threatened their organisation.

There was no substantial difference of opinion as to the utter immorality of the Republican theology. In the meetings of the Hierarchy, no Irish Bishop ever expressed the slightest doubt that murder was murder, whether the "Republic" ordered it or no. The doctrine that Providence could be fooled by phrases found no support, but the old question of "expediency" arose again. One Bishop, thinking it inexpedient to issue a pronouncement, claimed the right to veto publication. Five more thought it inexpedient to publish a document from which one withheld signature. The absence of six signatures would render the document worthless. The Republican proprietors of the Republican Creed declared that it had been adopted by the Bishops, and went on recruiting. The slave "soldier" could never know by whom he was bought or by whom he was sold. He was driven forth to dishonour by order of his "commanding officer," who prated about Brigade Orders and battalions, and companies, as he drove his group of hopeless creatures to the spot where they were to soil themselves by the slaughter of decent Irishmen. Who appointed the "commanding officer" of the herd, no one knew. It was supposed to be some great military celebrity, capable of planning great campaigns against the British Government. What the

British Government might be the poor Irish boy did not know. His owners probably were just as ignorant as he, though the war on Ireland was conducted by them efficiently. Everything that could protect personal liberty, the security of the home, freedom of mind and the enjoyment of property, was denounced as "British," and attacked by murder, arson and robbery.

The first institution singled out for destruction was the Royal Irish Constabulary. The mercy of Providence alone may forgive the scoundrels who selected them as objects of outrage. Of all the aids upon which a truly liberated Ireland perforce would rely, foremost came her own Constabulary. To the existing Government, as a force of Catholic Irishmen they were loyal. As Irish of the Irish no organisation could be more representative of the land that gave them birth. The regime of the R.I.C. was open to a score of objections, but its personnel was far and away more racy of the soil than the criminal hysterics who denounced it. In the main the Constabulary represented the pick of the younger sons of the peasantry; Irish and Catholic as far as the land was capable of producing Catholics and Irishmen. Personally, the defect of the Irish policemen had ever been his kindness. To some small extent the lawlessness of Ireland is attributable to the weakness of the guardian of the law whose sympathetic tear has wiped out many a record. A tyrant should be made of sterner stuff. The new proprietors of the "Republican" machinery were perfectly right in selecting the R.I.C. as the first object of attack in their war upon Irish Civilisation. The methods of attack were worthy of the bestial mind that planned it. No more typical example can be found than one of the earliest exploits of the "Irish Republican Army."

In recent times many an Irishman thought of the County of Tipperary as the one tract of Munster in which the roads were good. There are few better tests

of civilisation, as the Cæsars would have declared. Road making was a thing that Tipperary did well, and to do it well, the county quarried its own stone and moulded it into surface by direct labour. Some miles from Tipperary town, at a place called Soloheadbeg, there was a quarry from which the employees of the County Surveyor were extracting road material, and for the purpose of their labour they required explosives. From the town accordingly there was sent a cartload of gelignite, and under the public regulations, two Irish Catholic, Nationalist, members of the R.I.C., strolled along with the cart partly as an "escort," partly to secure a proper receipt for the gelignite. A couple of miles to the North of Solohead lived a criminal, a "Brigade Commander" of the assassin army. Everyone knew that the quarrymen were receiving explosives and when they would arrive. The "Commander" took with him his brigade of four men, two on foot, two on cycles, and went to the quarry, in the neighbourhood of which the five picked up a young lad who they compromised in their crime. It was the dinner hour, and the quarrymen were assembled within forty yards of the scene of the outrage. They were warned to see nothing. The five assassins took up their position behind the fence of a narrow road with shot guns, the lad with them. When the cart arrived the two constables were shot into rags of torn flesh. The scoundrels then decamped with the cart, leaving the lad behind. The lad, the driver and the quarrymen, as ordered, saw nothing, but within six hours everyone within ten miles knew the facts. In Ireland there was little difficulty in securing reliable accounts of the perpetrators of crime, so long as the witness would not be called on to give evidence in legal proceedings. In broad daylight the murderers drove or cycled along frequented roads. The cart was taken away, but an alarm interrupted the disposal of the booty. The subsequent history is also typical. A constable

caught one of the murderers, armed and resisting, and took him prisoner instead of shooting him. The result was more constables murdered in order to liberate their prisoner, who, however, did not escape unscathed. The gang then waylaid and murdered two more Irishmen at Emiy under circumstances so brutal that neighbours shrank from intercourse with the "Commander's" family. Eventually this miscreant was shot while resisting arrest. He was given a public funeral attended by hundreds of "volunteers," and in a Catholic Church, by a man in the vestments of a Catholic Priest, he was held up to the congregation as a model for the imitation of all young Irishmen.

The significance of the Solohead crime was instantly appreciated by those who knew and understood the mentality of their countrymen. I was tired of private correspondence with those whose duty it was to deal, and deal at once, with this infamy, and upon the 29th January, 1919, I issued the following letter through the press.

"The condition of affairs revealed by circumstances connected with the Tipperary murders shows that the advocates of Christianity in Ireland have very little time left to organise for their own preservation. The episode itself was the natural development of the brutalising and pagan creed that for the past three years has been proclaimed as 'patriotism' in Ireland, while those who should have refuted it have sat in cowardly silence. Base and degrading as this crime is, it is but one symptom of the moral disintegration of our nation. The orators who last Sunday praised or justified assassination were doing no more permanent harm to our country than the preachers of the new doctrines of politics and economics who defy all authority, moral or legal, and teach that the triumph of violence is liberty, and that anarchy and idleness

are the guardians of property. These doctrines are openly proclaimed and are printed and circulated broadcast among our ignorant people, and no voice is raised to vindicate the wisdom of the Gospel for fear of the vengeance of those who thrive on its denial.

“Ireland is in the grip of a criminal confederacy of secret societies. The organisers of these infamous bodies model themselves upon the conduct of James Carey, in their exploitation of the phrases of patriotism and of religion to trap our boys. Our youth are being taught that every breach of the law is a service to Ireland. Acts that are condemned by every Christian Church as murder or as suicide are openly glorified and held up for the imitation of our countrymen. Men are assured that by the destruction of employers and by the confiscation of property, prosperity will be secured for a republic of ‘workers’ who need not work. This propaganda is in the ears and before the eyes of our people every day. What attempt is made to answer it? The ignorant politicians are willing to profess a belief in anything that will make them ‘popular.’ That is the supreme ambition of their trade. We have no Press. What do our pulpits and our schools teach to protect the Irish nation against the demoralisation of this pestiferous stuff? Most pulpits are silent. From a few there may occasionally be heard some perfunctory and conventional declarations that those doctrines are wrong. What the humble man wishes to know is not merely what is wrong, but by what means that are right can he secure liberty and peace. To this query he receives no answer, and until answer is made he will pay very little attention to dogmatic pronouncements about right and wrong. His present guides have already convinced him that

the clergy are only trying to frighten him in the interests of 'British law,' and 'capitalism.' When the republic is achieved, its proprietors promise to make short work of Churches—and they will. The Catholic Church, at all events, cannot be allowed to exist in a state animated by this modern 'Patriotism.' The crying need of the hour is to rescue our youth from the criminal societies by organising the Irish people in the suppression of crime. Conventional 'eloquent' denunciation will not do this. Every moral preceptor should summon up his courage to instruct his flock in their duty to help the Administration to bring criminals to justice. Those who have witnessed should come forward and give evidence in truth and honesty. Magistrates and jurors should be taught to respect the obligations of their oaths. It is the cowardice of our people with regard to these matters that has enabled the secret societies to enslave them. Once the community determines to cast off its servitude and to punish crime, there is an end of criminal ascendancy. Until the community has the courage to punish crime it must remain a community of slaves.

"The matter cannot end there. Every educated man knows that the liberty and prosperity of the humble people depend on the practical application of Christianity to public affairs. It is as easy to teach this truth to our countrymen as it is to teach them pagan lies. The man who cannot demonstrate that the burdens of crime and violence ultimately fall upon the shoulders of the poor is not fit to address any flock. The man who does not himself believe in the Gospel as the charter of true liberty of nations, as of men, is not fit to be a clergyman. There is no time to be lost. The danger must be met and faced at once. Those who do their duty,

no doubt, will suffer for a time, but they know that in the cause of truth they are promised help that shall prevail to the consummation of the world. Immunity from spoliation and banishment can be purchased by silence very little longer. There is no institution that renders more valuable political service on the preservation of the peace and order and in securing the happiness and prosperity of the State than the Church in which the poor have the Gospel preached to them. The silent pulpit has no defence against the pagan economist. I do not seek to minimise the dangers of the course I advocate. Secret tyranny has been permitted to become so strong that it can close churches and starve priests. It can murder with impunity in open daylight in the presence of witnesses. This thing must be ended.

“ ‘ Better we all were in our graves than live in slavery to slaves.’ ”

Yours, etc.,

A. M. SULLIVAN.

Dublin, *January 29, 1919.*

My letter produced no response. The time for National salvation was allowed to pass. Under the patronage of her conquerors, the commercial and emotional functions that attach themselves to the fringes of Catholicity have survived in Ireland, but in no existing lifetime will the doctrines of that Church be permitted to be taught to the nation once blessed by Patrick.

Of course these infamous deeds were accompanied by standardised snivel about British Government. The Constabulary were the protectors of Irish homes against thieves and tyrants; they were not British, they were the public servants of the Irish Civil Power. As soon as the operations of the police were sufficiently hampered

by "Republican" brutality, a move was made against the next department of "British Government," in this case the Irish Farmers.

In many parts of the country the peasantry are dependent upon their guns, or the guns in the neighbourhood to keep down the ravages of vermin. The material destruction wrought is very much greater than in England. owing to the areas of unreclaimed and waste plots that are interspread with the second class land in the country. Vermin are extremely numerous in such districts, and the injury done by them is a serious economic problem. Thirsting for victories the Irish Republican Army attacked the Irish homesteads. In the dead of night armed and masked ruffians invaded the peaceful dwellings of the peasantry, sometimes firing shots and driving almost wild with terror the defenceless little ones among their victims, sometimes committing murder, and in a few months these dastardly thieves had stolen such guns in the countryside as were not given to the police for safe keeping. In due course, this raiding took other forms. The Dail Eirann invited its admirers to lend money upon "Republican Bonds." The admirers of the Dail Eirann, however, had no money to lend; other people had too much sense to lend it. Raids of ruffians accompanied by a "treasurer" visited lonely farmsteads in the darkness, and levied subscriptions for the bonds. In the Cities young professional men were reminded of the unpleasantness that would be caused in their families and in their business if the murder gang took offence at their refusal to "lend" money to the Republic. Business men were blackmailed in like manner. The money was supposed to be devoted to the reproductive and co-operative schemes of Sinn Fein, but in fact it was all appropriated for murder. When the farmers ceased to keep money in their houses, the Republican robbers in many cases stole

their cattle, and either sold them or held them to ransom. The Irish people were reduced to abject slavery by these hectoring tyrants who babbled about patriotism.

The next campaign was directed to the burning, blowing up and destroying of Irish homes. It is only right to remember that in the Sinn Fein party there were very few members old enough to appreciate the relation of housing to civilisation, while many of the new patriots regarded a house as "property," or "wealth," that needed distribution. In the Irish village the neatest and most comfortable building was generally the Police barracks. It was usually rented from some local capitalist, though in a few instances it was owned by the Crown. The anarchists organised a series of attacks upon barracks and destroyed a large number of them, committing many murders in the course of these outrages. Then they destroyed courthouses, then they destroyed Irish houses that had been occupied by police in former times. They destroyed gentlemen's houses, they destroyed the homes where dwelt the wives and children of public servants, they destroyed "capitalist" creameries, owned by Catholic Nationalist Irishmen and worked for the benefit of the localities in which they were situated. From no quarter came the smallest warning that all this ruin fell upon Ireland alone. Men of middle age can call to mind the wretched condition of the humble dwellers in the country districts forty years ago. Irishmen were living in mud huts because there did not exist decent structures in which men might live. Every house destroyed in the country already short of habitations, means that a poor man's family goes homeless. Every structure that shelters man or man's labours is an asset not merely of the person who "owns" it, but of the country. It will outlast the builder and its existence renders life easier for a circle beyond its walls.

This ignorant brutal savagery was of course but a commencement. It was certain to re-act upon the community until no dwelling would be safe. The secret society having established the murder of Irishmen, the robbery of Irishmen, the black-mailing of Irishmen and the destruction of Irish property, as methods of war on England, sought fresh fields of dishonour for its activities. The administration of justice was to be abolished and the press was to be controlled by crime.

An honest man, or an honest woman, who served his country by coming forward to protect the community against a bully or a thief, was liable to be denounced as an "informer," and to be shunned by the frightened and superstitious crowd who shrank from anyone to whom such a term was applied. In no school, in no pulpit, on no platform, in no publication were the Irish people ever taught the wisdom of the rule of law. Hundreds of poor people endured in silence acts of robbery and oppression for fear the criminals would blight their victims by calling them "informers." Jurors who observed the obligation of their oaths and found true verdicts according to the evidence were exposed to molestation, and thus the standard of independence of the panel, the truest and best defence of Irish right and Irish liberties--was sapped and undermined.

The County Courts, and the Assize Courts had become intimately woven into the life of the country. Nothing more racy of the soil than the spirit of litigation could be found in Ireland. The litigant is for the time being a hero, not only to himself, but to the village. The witness enjoys his chance of telling a story in public, and regrets the omission if the opposing advocate does not cross examine him. There was nothing in the world like the good humoured justice of the Sessions and Assizes. It was as thoroughly Irish as

the mountain or the moor. The anarchists determined to wipe it out, and to substitute the dominion of the local Republican tyrant, for the adjudication of a neutral court. Deprived of the safeguards of civilisation, the humble man was compelled to endure wrong without complaint or to submit his rights to the arbitrament of the officers of disorder and crime.

Enterprising journalists attempted to glorify this performance, as the recourse of the people to tribunals in which they had confidence. This pretence was absurd. According to "British Law," litigants were always free to select their own judges and refer their disputes to arbitration. It needed no murder "Republic" to accomplish this, but the peasantry gave up the County Court and the Assizes only when driven from them at the point of the pistol. No other argument would persuade them to submit to Republican justice.

The Irish people were then deprived of their powers of Local Government. The local "elections" were conducted in many places under disgraceful conditions. Armed gangs broke into the houses of candidates in some counties, and compelled them to sign forms of withdrawal which were sent to the returning officers. In many places the constituencies were simply seized by the terrorists and independent candidates dared not venture forth. Labour returned its own candidate as distinct from Sinn Fein. Between them they secured a small majority in the total Irish poll. A large number of local councils then declared their allegiance to the Secret Society, refused to comply with the public law, and overwhelmed their districts in anarchy and bankruptcy. In the name of Sinn Fein Ireland was deliberately pauperised and paralysed.

Finally the communists attacked the nation's transport. At short notice, "workless days" were proclaimed. Originally these were supposed to be, and the

first in fact was, a national gesture of protest; but behind this pretence lurked the real desire of the central bullies, to accustom the people to submission to their unreasoning tyranny. When a workless day was proclaimed as a "protest" against the Government of the United States for having imprisoned Larkin, there was opposition. Armed pickets, however, prevented workers reaching their factories and in some cases armed gangs raided factories and drove workers out. The United States of course never heard of the matter. As a demonstration of arrogance, the "transport" communists, in 1919, resolved to hold up Irish exports of butter and bacon. The capitalist farmer was to be compelled to produce butter and bacon for the "workers," at a price that the latter would fix, and were not to be permitted to deal with other customers until the "workers" had helped themselves. In the absence of any nucleus of public opinion the exporters were obliged to comply with the Soviet terms. The railways were then attacked. Railway servants were assured that it was a noble and patriotic thing for engine drivers and guards to strike the moment police or military entered a train.

Whether this was to punish the United States or whether it was merely to bully and injure Ireland, no one was permitted to ask. In pursuance of this policy the principal steamship line of the Port of Dublin was put out of action, and gradually the railway service of three-quarters of the country was reduced to chaos. No one suffered but the Irish people, and the Irish people had been reduced to such helpless and hopeless servitude by their own moral cowardice, that they suffered in shameful silence. They were being well trained for the advent of the bullies' Republic.

CHAPTER XIV

BEATIFICATION OF MURDER AND SUICIDE

IN December, 1919, the city of Dublin was becoming stupefied with the long tale of dastardly assassinations that soiled and befouled her name, when a thrill of novelty was afforded by the attempt upon the life of a gallant Irishman who occupied the position of His Majesty's Viceroy. As he himself wrote, this was far less cowardly and less foul than the vile deeds to which unoffending Irishmen in the Police force had fallen victims in the streets of a once Christian city.

A body of ruffians lined the fence of a country road along which Lord French was to pass, and attempted with bombs, rifles, and pistols to assassinate him. As compared with sneaking up behind a constable and shooting him in the back, this was almost chivalrous. The list of humble Catholic Irishmen who had been butchered with impunity and without clerical protest was a sickening record. At this event, however, the Archbishop of Dublin broke silence, and on the Sunday following the outrage a letter from him was read in the Catholic Churches of the City. It condemned the attempt upon Lord French's life in a few sentences, and then dealt at some length with general politics, criticising the conduct of the Government.

If this habit of adding abuse of the Government to conventional disapproval of murder, was not intended as an excuse for crime, it was universally accepted as an excuse, and even the most eloquent reprobation of outrage is on the balance harmful when accompanied by a diatribe against the authorities. The proprietors

of the I.R.A. however, apparently obtained an advance copy of His Grace's letter, and disapproved of it. At the Church doors, their agents distributed an antidote, in the shape of a reprint of passages from another letter written in extravagant terms in the name of His Grace to the Sinn Fein treasurers in America. The Republican Army resented having its "Victories" described as crimes, especially by the Archbishop of Dublin, whom their agents described as one of their patrons when ensnaring the boys of his flock. The congregation were button-holed and informed that the letter read from the altar, was not an authentic expression of the true views of the Archbishop, whose allegiance to the "lawful Government" of the Republic was evidenced by the missive to New York. The Societies' "chaplains" were somewhat disconcerted, but were ready to explain that Dr. Walsh had not been properly informed as to the facts, and did not understand that the attack had been sanctioned by the Irish Republican Executive. One of the attackers had been killed. A Catholic girl commented on his fate as one cut off in the very achievement of sin. "He went straight to Heaven—a glorious Martyr," replied a republican Priest. The following letter was addressed by me next day to the Archbishop :

December 22, 1919.

"My Lord Archbishop,

"It is to be regretted that the state of your health does not permit you to move about among the humbler members of your flock and listen to their talk. Nothing else could bring to your mind a true appreciation of the progress of anarchy among them. There was read yesterday within the Churches your Grace's letter dealing with the attempted murder of Lord French. Outside the Churches, the other instructors of our Catholic people were 'explaining' the letter read inside and

were distributing your 'real' sentiments in the shape of a leaflet containing a copy of another letter. The explanation was insolent, but it cannot be ignored. Among the threatening letters by which I am honoured I received one the other day that touched me. It told me nothing new as I have been familiar with the 'religious' side of murder propaganda for the past three years, but it was evidently written by a Young Irishman, who would have been saved from the guilt of bloodshed if in the 'Catholic' school in which he was trained or from the pulpit of the Church whose ceremonies he attended he had ever had a chance of learning Catholic Doctrine.

"Here is the 'official' creed preached at the doors of your Churches.

"Years ago . . . according to the lights of the people potheen making was illegal, the killing of a policeman murder, but according to the lights of the people to-day, and the circumstances now existing these acts are not illegal or wrong.

"To-day we have an Irish Republican Government in existence . . . we have an army to defend that Government. This army cannot be expected to come out into the open and face alone the might of the British Government. Its U boat tactics are admirably suited to the circumstances and duty is duty for the faithful soldier of the Irish Republic when he shoots down a policeman.

"Then follows the usual threat of the severest penalty in common form.

"To supplement this reasoning the organisers of outrage prescribe the frequentation of the sacraments by their dupes. You will remember that James Carey found this an effective way of salving the consciences of his slaves. The known murderers in the country (there are about a dozen. I am

personally aware of five) are all notably 'pious.' I note that the scoundrel who was shot on Friday was of the same order. All purport to justify sin on the ground that they are the soldiers of a 'Government' that has never repudiated their claim.

"Before these 'Catholic' assassins have fulfilled their promise and have ended my life I desire to put upon record 'both here and at Rome that I have called Your Grace's attention to a state of affairs that is stealing away our people from the Church. As far as I can ascertain from enquiry no instruction to fortify your flock has been given from any pulpit during the three years in which the agents of the secret society have publicly represented murder as a sort of religious function. The result is that now a Catholic who will not be silent about the articles of his Faith is exposed to assassination. For my part I will not purchase peace by cowardice. By instituting a course of moral instruction from the pulpit, from the Altar and in the schools, Your Grace may rescue hundreds of our boys and save many lives though not mine. The propaganda of anarchy and outrage is open and notorious. The silence of the pulpit is diligently misrepresented as the approval of the Church. I desire most solemnly to warn Your Grace of this public scandal and to call upon you to end it."

No response was made to the message. I am now convinced that the Archbishop was not allowed to hear of it. In his household and among his staff were spies. Much was written and spoken in his name of which he knew nothing.

Three weeks later, ten armed scoundrels rushed into a friend's house where I was dining and tried to take my life. I do not understand how I escaped.

Meanwhile another power had given offence to the "Republic." There was a touch of grim humour in the idea that any criminal could take umbrage at the conduct of the "popular" press. The two daily papers that catered for professional patriotism were conducted on the commercial basis, that the vicious passions of the mob could be coined into money if adequately inflamed and cleverly exploited. Hypocrisy in the editorial column was calculated to soothe anxious people while the displayed headings of the news sheet gave encouragement and incitement to the perpetrators of outrage.

The "Republic," however, in its taste for freedom, would not permit even the most blatant and insincere comment upon its ruffianism. The *Independent's* views on the shooting of Connolly had not been forgotten by the colleagues of Connolly who were now the masters of Ireland. In a dull leading article the *Independent* referred to the "assassins" who had waylaid the Viceroy. The extremely delicate susceptibilities of the gang could not stand this. The offices of the paper were wrecked and its machinery smashed up. Thenceforward neither the *Independent* nor the *Vermin's Journal* ever incurred the disfavour of scoundrels.

In the following March, attention was focused upon the City of Cork. Irishmen are always prepared to find excuses for inhuman brutality in a community of mixed races brought up in such squalor as invests a Dublin slum, but the thought of Cork brings tears to the eyes of every one of her children compelled to exile from her. "Cork's own town, God's own people," so every native of the Gaelic South believes. The blight of the Secret Society had fallen heavily on this kindly people. Boys and girls unsustained by the counsel of those who should have saved them, were swept in hundreds into the fœtid pool of iniquity over which flitted the elusive phrases of pitiless tyrants.

The Lord Mayor of Cork was a young man who appeared to be seeking the respect of all sections of the community. He was an officer of High Command in the Republican Army. It was said that he had resented the action of "headquarters" in soiling his city with the murder of police, and that he had refused to sign an order for the assassination of some members, sentenced by the inner ring. There was served upon him a document whose menace frightened him. What were the terms of the document, and what became of the document itself, the Society would not allow to be known. Their agents took possession of the man's house when he died, and stifled all information.

The next step in the tragedy was a mysterious and almost ridiculous attack upon another member of the Corporation. What its significance may have been cannot be explained. This episode was alluded to at a meeting of the Corporation at which McCurtain declared that he and his friends would form an organisation that would protect Cork from murder. In a few hours he was murdered himself. From some mysterious source McCurtain had been denounced to the military authorities, who at that time were engaged in a policy of arresting and deporting, not only without trial, but without accusation, any persons who might be the objects of suspicion engendered by any means. In some instances, the murder gang themselves procured the deportation of inconvenient colleagues. When Mr. Swanzy, the Inspector of Constabulary, was informed that the military intended to arrest McCurtain, he took the unprecedented step of sending in a protest against this proposal.

That night as I drove over Patrick's Bridge, a policeman was murdered on the quay. This poor man was shot down while unarmed and defenceless in the usual brutal "Republican" manner, and was carried to

hospital about eleven o'clock at night. The Lord Mayor heard of this crime, and his last act before he went to bed was to telephone to enquire for the victim and to express his sympathy. Two hours later access to McCurtain's house from the direction of the police or military barracks was cut off by gangs of armed men who occupied the ends of the thoroughfares by which a patrol could approach. To McCurtain's door there drove a motor car. The occupants of the motor entered the house, murdered the Lord Mayor, and drove away. The armed men melted into the darkness. Half an hour later the military and police arrived to arrest McCurtain.

By daybreak the Republican agents were spreading the report that the Lord Mayor had been shot by the police.

One of the men who accepted and republished this charge against the Constabulary was the Bishop of Cork. A year before I had written to him imploring him to save his people before his city was consigned by criminals to blood and flames. A year later, when Cork did disappear in blood and flames, His Lordship issued a proclamation excommunicating the boys who had been trapped into crime largely by his failure to speak out in time.

The evening following the murder of McCurtain the city streets were filled with excited groups of armed men. I sent my wife to our hotel with a friend, and with my escort I made my own way there from the court house, pistol in hand. When I reached my sitting-room I found the County Inspector and Mr. (later Divisional Commissioner) Cruise. The County Inspector had sent in his resignation and was in a state of despair. He represented to me that the death of McCurtain had deprived the police of the one real restraint on the McSwiney faction, and without McCurtain every one of his men was doomed. He had taken no steps and would give no orders.

Somebody had to take care of these men, so I assumed charge of the City, notifying the Castle and Old Queen Street. The County Inspector agreed to carry out orders for which I assumed responsibility. The position was not promising. The R.I.C. could be depended on implicitly to face danger, but they were too few for the emergency of an open outbreak. The intelligence of the military mind was displayed in the fact that on the eve of an assizes at which ten of these fellows were to be tried for attempted murder, the troops were being changed. One regiment had gone, its successor had not arrived, and less than ten dozen soldiers were available if soldiers were needed. I at once sent Mr. Cruise to the Bishop, first to arrange for the funeral of the murdered man. The I.R.A. had determined to make it a demonstration of their sympathy, and contemplated an armed parade, if not an actual seizure of the almost defenceless city. The public funeral would certainly not be interfered with. I attended it myself, as I believed McCurtain was murdered for trying to protect the police, but if any attempt was to be made to terrorise the City by a parade of armed men, I advised that they were to be fired on at all costs. On behalf of Sinn Fein the Bishop agreed that if the public funeral was permitted no arms would be carried. With regard to the inquest, I gave a solemn undertaking that if His Lordship would suspend his judgment and would attend and keep order, I personally would conduct the proceedings on behalf of the Crown, that I would pursue any enquiry the Bishop would suggest, no matter whom it might involve, and I would promise an absolutely exhaustive investigation along any lines that would please him. In reply His Lordship accepted my suggestion subject to this, that he requested me not to appear for the Crown, as he could not undertake responsibility for my safety. This was fair. A second point the Bishop dealt with was the irritation caused in the

neighbourhood by military raids and deportations. I was quite in accord with him, and I wired the Government that these should cease.

I sent the Crown Solicitor—a splendidly courageous subject of many outrages—to the first adjournment of the inquest, to give publicity to my undertaking. I was loath to put the conduct of the affair in other hands, but my judgment was overborne, and eventually another counsel appeared for the Crown. There was no evidence from the military either of their “informer” or of Swanzy’s protest. I thought that these should have been proved. The inquest upon the Lord Mayor was held at night upon the stage of the City Hall, in the presence of an excited crowd of Sinn Fein gunmen. The “Republican” witnesses would give no information about the judgment served upon the Lord Mayor, or about the motor car. They gave evidence of the presence in different parts of the City on the fatal night of the large bodies of armed police *in uniform*. The groups of ruffians that guarded the approaches to McCurtain’s were certainly not in uniform, and the more police that were on regular duty in the streets, the less possibility there was of finding fifty other police *not* in uniform to block the roads from which a regular patrol might come.

Of identification of McCurtain’s assailants there was no pretence. The evidence that they were policemen consisted of repeated allegations that they spoke with “the Depot accent.” As the Royal Irish Constabulary were recruited from all over Ireland, the suggestion that they had a uniform accent was ridiculous. If McCurtain was killed by the police, the story of the occurrence as told by the Sinn Fein witnesses was absurd.

The mystery has been intensified by subsequent revelations. Cork mourned a Lord Mayor whom everyone believed to be an enemy of bloodshed. Public sympathy readily accepted the story that a few minutes

before his death he was deploring the death of the constable on the quays. This would accord with his public attitude towards the police. It seems, however, more than probable that this was a hypocritical pose. He was the associate not only of Collins, but of Breen, and according to this latter person, all three had attempted to waylay and murder Lord French. If the true character of McCurtain were known to members of the Constabulary, and if he were in fact responsible for the murder that evening, the case against the R.I.C. is strengthened, though the victim is deprived of all claim to consideration.

The verdict at the inquest was like the verdict after the execution of Twiss—joint and several murder by the members of the Government.

At the close of the case my undertaking was again read, and the jury and the coroner expressed their opinion that it had been fully discharged. It is lamentable to reflect that in excusing the cowardly murder of District Inspector Swanzy some months later, the Bishop of Cork declared that there was evidence that could be submitted to an impartial tribunal, that Swanzy killed McCurtain. If such evidence existed, it is a pity that it was suppressed at the inquest. It hardly lay in the mouths of Sinn Feiners to suggest that the coroner's jury was not an impartial tribunal.

The next Lord Mayor of Cork was not likely to incur the hostility of his organisation for obstructing their schemes. He was in thorough accord with the plan of reducing the Irish people to helpless subjection, and was a reliable agent both for forwarding crime and composing the religious cant, by which crime was represented as one of the functions of Irish Catholicity.

Mr. McSwiney proclaimed himself not only hero, but a consecrated martyr, and it is quite probable that he maintained himself for his brief existence in the state of hysterical exaltation in which these claims appeared to

him to be divinely true. He was certainly an officer of the body that contrived those acts that its members called victories and that the Catholic Church to which they professed to belong called murders. He professed to be a "Brigade" something-or-other of an armed force, and in the opinion of the great majority of the Catholic Bishops the arming of such a force for the purpose of killing Peace Officers was itself an act which involved dismissal from the Church. This, of course, would be discreetly veiled in abstractions by clergymen who did not want to have their churches suppressed by the Republic, but there was no Bishop who did not condemn the principles of such men as McSwiney.

The British Government, ever futile, arrested the new Lord Mayor, and tried him on some pettifogging point about contravention of a Defence of the Realm Order. He had in his possession two documents that were offensive to the authorities, one characteristically enough was a copy of his inaugural speech about himself, which made the charge ridiculous, the other was a cypher for dealing with police telegrams, which had been copied by spies. This latter, of course, was as effective a weapon as the guns with which the police would be waylaid. Whatever may be thought of the folly of the charges upon which he was tried, there never could be any moral doubt that no ordered society can exist with such persons as this man at large in the community, and his imprisonment was an act not only of justice, but of necessary public protection. Upon arrest, the self-appointed hero and martyr determined to kill himself, and to this end he went on hunger strike.

There was nothing new in this policy. Among the ignorant people in Ireland there was spread the idea that hunger striking was a divine characteristic of the Republican religion. One of the early episodes will illustrate the extent to which this worship of hunger striking was pushed. In the county of Clare

a professional man with friends in the Sinn Fein movement, by an illegal operation very nearly killed a young girl. The man was arrested and returned for trial. His friends of course spoke of him in the usual way, as a patriotic victim of an oppressive Government, and some of them—including a woman—used the opportunities of the organisation in attempts to defend him. Efforts were made to abduct his victim, then to frighten her, then to bribe her to commit perjury. Two of these confederates, a man and the woman, were convicted and sentenced. The woman went on hunger strike, with the usual patriotic declarations. She was accordingly liberated, and on her return home was given a public reception to celebrate her victory.

Three years before Lord Mayor McSwiney went on hunger strike this form of protest had been taken over by the Sinn Fein party from the English suffragettes. The genii who were responsible argued that as the feminist movement with its methods had achieved success in England, similar acts in Ireland would compel the surrender of the Government. In England the Government is composed of Englishmen who were solicitous for the welfare of the community attacked by the suffragettes. Attacks on the Irish people, however, excite no interest in the English ministerial mind beyond the extent to which they may influence votes at an English election.

The death of Thomas Ashe in 1917 was indirectly due to hunger striking. In fact, however, the fatality was caused by a spasm in resisting the efforts of the medical men who attempted to feed him by tube. The Republicans were extremely annoyed that Ashe had not killed himself by starvation, and at the inquest the Doctor's life was threatened for having interfered. The Ashe funeral was the occasion of a great output of conventional falsehood by way of Sinn Fein propaganda. It was more noteworthy by reason of the attitude of the

Catholic Clergy, few of whom could be coerced to attend.

The Government conduct towards hunger strikers varied and vacillated. Some were released, some were not. The next Sinn Fein combination for a hunger striking demonstration met with a resolute refusal of release by Mr. Duke, then the Chief Secretary, with my cordial approbation when consulted. The strikers had the good sense and propriety to give up their folly. In the spring of 1920 a general hunger strike was declared in Mountjoy Prison in the City of Dublin. A large number of prisoners were involved. The Government delivered the most peremptory announcement that the authorities would not yield to this form of intimidation, and sane public opinion was clearly on the Government side. To the Catholic Irishman hunger striking represented suicide, and suicide was a cowardly crime. To overcome this sentiment the I.R.A. mobilised its forces of boys and girls and chaplains, and for days, with the aid of the press, maintained a scandalous scene of hysterical disturbance outside the prison. Recitation of the Rosary in Irish—the principal ceremony of the Republican Faith—was kept up for days in the public street. It would appear that the Sinn Fein God understood “Irish” only. Republican chaplains exhorted excited girls to increased frenzy. Every scheme that would lend a “religious” appearance to hunger striking was invoked. Republican money was generously contributed for Masses for the prisoners. Mania was rampant. A female martyr set up a booth at the prison gate and performed a sympathetic hunger strike in public.

Inside the prison, however, a very serious problem confronted those who were anxious to annex the Catholic Church as the slave of the demagogue. The Catholic Chaplains refused to administer the Sacraments of the Church to men who were endangering their lives by their own wilful misconduct. If these prisoners killed themselves they would die without the consolation of

the Catholic Faith. The Republic was indignant at the claim of any creed to withstand its decrees. One of the members for the City went with a deputation to the Archbishop's palace to denounce the Prison Chaplains. To the surprise of everyone the Archbishop repudiated the Sinn Fein claims to regulate his tenets, and he stood by the action of his own clergy. The Commandants then ordered their chaplains to go into the prison and anoint the hunger strikers. The Republican clergy were, however, faced with instant suspension of their faculties if they attempted any such manœuvre. These facts were becoming widely known.

Republican religion and Catholic religion were on the verge of open conflict. The British Government saved the Republican Faith; it liberated the hunger strikers.

When therefore McSwiney and his companions went on hunger strike in Cork, the Government would not remove them to Mountjoy. The Lord Mayor himself was removed from Cork, but was taken to Brixton, where his own private chaplain was apparently allowed to minister to him. The subsequent events dealt to the Catholic Church the most grievous blow that has assailed her mission in the British Empire since the Reformation.

There was one occasion on which Mr. McSwiney should have been released. Murder was no longer as cheap an occupation as it had been. Some murderers were being killed. By tacit assent of the bullies, a meeting of Irishmen was held in Dublin to form the nucleus of a party of moderation whose views might be set before the Government. At this meeting somewhat unexpectedly a resolution was passed calling for the liberation of the Lord Mayor as a means of allaying the public fever and enabling moderate men to organise. The constitution of the meeting was beyond criticism. It represented in every way the men whom a sensible country would select as the proper governors and

legislators for Ireland. Any constitution that would have secured the authority of these men in Ireland should have been passed by Parliament with acclamation. How far the "amnesty" resolution was honest is of course difficult to determine. Falsehood is so rife in Irish affairs that no one can tell by his public speeches the real sentiments of any man. Here however was a solemn resolution by a body truly representative of the sense and sanity of Irish life, and of the community that above all others would bear the suffering if the liberation of McSwiney resulted in further crime. If the Government, though they did not agree with it, had responded by acceding to the resolution on the ground that they felt constrained by the body of Irish opinion that it represented, the new Irish organisation would have set out with great prestige as one capable of doing something. Its success would have commanded success, and Irish Ireland would have become articulate. When the Government would not act on the resolution of the "Irish Peace Conference," it was quite right not to yield again to hunger striking. The exploitation of the lamentable death and consequent funeral of the young man, as an apparent approval by the Catholic Church, of the acts of the Irish Republic Army, and of the suicide of hunger strikers, is not least among the injuries inflicted on Ireland by the perversion of Sinn Fein.

The Bishop of Cork assisted in the public funeral in honour of McSwiney. Later, however, His Lordship modified his views. The next Republican hunger striker who killed himself in Cork was denied Christian burial.

CHAPTER XV

THE END OF OLD IRELAND

BY 1920, the Confederacy of Criminals had succeeded in the permanent disunion of the two great factors of the Irish race, had re-established sectarian hatred in the North, and had rendered inevitable the breaking up of the Nation and the partition of Ireland. No effective resistance could be offered to the statute in which this result was recorded. Nationalist Ireland had no representatives in the Imperial Parliament. The Ulster Unionists were as powerless to control their extremists as were the Southern Nationalists. It is easy to understand the attitude of the Northern Presbyterian who believed in the Government of Ireland by Englishmen as the best thing possible for the misfit planters of the North. It was quite another thing to propose that British Government should cease to function in Ireland and should set up in a corner of the island a bloated parish hedged in by enemies.

If British Government went out of the country and Unionism ceased to be possible, it was obviously to the interest of everyone that the Protestant population of the whole country should make common cause with the best educated elements of the Nationalist parties, and secure good Irish Government for all. Unfortunately, the Irish population of the South was utterly crushed by crime. Though there were only half a dozen Bishops of the Catholic Church whose conduct gave any encouragement to the I.R.A., one was in Belfast. To the Orange mind Papist and Assassin appeared to be interchangeable

terms, and no Orangeman could be blamed for thinking so. The immediate necessity of the hour was to get the "rebelly Papishes under his feet," upon such conditions as would prevent them ever seeking equality again and this immediate need could best be served by setting up a new Orange State. It was not to comprise the Province of Ulster. The Province of Ulster could not be controlled by bigotry. A piece of Ulster was all that these statesmen wanted, a bit in which there would be sufficient Papists to afford subject matter for intolerance, but not enough to be able to protect themselves against it. To save the trouble of fixing the limits of this ridiculous territory on any reasonable basis, it was defined as six named counties, including two boroughs. I cannot help thinking that the English politician who arrived at this solution had never looked at a map. If Ireland was to be divided, it might at least be hoped that each fraction might be self-contained. Nobody bothered about that. The Western boundary of the six counties had been fixed three hundred years ago as the limits of administrative units in a country of forest and moor and mountain. Except for the purpose of local taxation the existence of a boundary had been immaterial. As the frontiers of a state these limits were impossible. Derry in "Northern Ireland," was the market and the distributing centre for Inishowen, which is a section of Donegal (Southern Ireland), that can be reached only through Derry. The boundary ran almost by the City Wall. The only channel between the City and the sea is also in the County of Donegal, whose assize town, Lifford, is approachable only through Tyrone or County Derry.

On the Southern side a stretch of the Ulster Canal is a useless ditch outside of the territory to which the canal is an essential asset, the Railway runs in and out of the county limits, and Clones junction through which the

six-county traffic passes was left outside the control of the Northern State. Greenore was left to a land that did not need it and could use it only with difficulty while Newry was cut off from the sea. To the Orange mind in a hurry these things did not matter. The wretched scheme of partition went through. There was set up a sectarian tyranny in a puny province, burdened with all the panoply of a Parliament, a judiciary, a system of police, and all the expenses of independence. Scientific perversion of the franchise and jerrymandering of the constituencies was soon to reduce the Irish Catholic population of the North East to a slavery little better than that endured by their countrymen in the South.

Apart, however, from bigotry the Orangemen generally governed well, though no Corporation in recent times has been accused of anything like the dishonesty recently revealed in connection with the Belfast Housing Scheme.

Partition rendered the restoration of civilisation to Southern Ireland almost impossible. By the abdication of the Church, and the ignominious ending of the Parliamentary Party, the people of the South were left without any National Organisation. It was the opportunity of the Protestant gentleman to take his proper place as the leader of true patriotism. Sir Horace Plunkett invited six or eight men who had taken an active part in public affairs to meet him and endeavour to rally the stunned forces of sanity and order in a new movement.

I was present at Kiltieragh at the first committee meeting that launched the Dominion League. The programme of the League appealed to all the thoughtful classes of the race. It sought to achieve the establishment of Ireland as a free Dominion of the Crown, accommodating the differences that had driven out the North East, by the autonomy of Provincial assemblies. Unfortunately Sir Horace was imbued with the idea, that by abusing British Government, he could charm

the gunmen into co-operation with a movement for National freedom. Freedom of any kind was not going to be established in Ireland if the I.R.A. could help it. The effort to make the Dominion League acceptable to the armed tyranny, only resulted in alienating the support of the "Loyalist" population. Plunkett became almost an echo of Dillon. What he said about British Government was quite true, but the function of the new Party should have been by constructive effort to present to the country a working plan of an acceptable constitution. It had no time or money or energy to spare for ineffective abuse of the Government. If the Dominion League was to succeed as a constitutional movement I ventured to suggest to its founders, that it would have to face and fight the terrorist movement, and only in so far as it showed courage and capacity to do this, would it win the support of the people. The fate of Dillon was a demonstration of the folly of trying to placate the implacable.

It was no use. The League never developed a forward movement. Its advances wore the unpleasant appearance of running away from its own principles. Irish people are inclined to be uncompromising in their views. They can sympathise with a man who seems to know his own mind. They have no use for mugwumps. The "Irish Republic" complacently accepted the League contributions to anti-"British" propaganda, but the members of the League who advocated the establishment of a free Dominion in Ireland in which the Irish people might govern themselves unrestrained by any form of terrorism were quite logically treated as "traitors to the Republic." The launching of the Dominion League was the last public effort made to save Irish Nationhood.

I was infinitely distressed at the multiplication of the murders of Irishmen serving their country in the Constabulary and Police. It was pitiable to note the neglect of the first principles of self-preservation. No

instructions of any kind were issued to warn the men as to simple precautions of observation and care.

I had been careless enough myself. For five weeks before the first attempt on me, I had been waiting for the attack. It was the only period of strain that I experienced. When the attack came I was unarmed—a most criminal piece of negligence on my part. The gang got about fifteen free shots at me, one at a range of eight inches that filled one eye with gas and clipped my hair. There was no more free shooting at me. Thenceforward I lived with my pistol in my hand wherever I moved, inside a house or out of it. In the hand is where a pistol is wanted, if it is wanted at all. There is no time to draw a pistol in such emergencies as were contrived by the gunmen. I had the good fortune to have seconded to me, as escort, a Tipperary lad of splendid nerve and incomparable good humour, and for a while I had a second man. We soon proved that it is impossible to surprise in the street three careful men and almost impossible to attack two careful men with impunity. Two must walk on opposite sides of the street, keeping abreast and each covering the other. If there is a third man, he walks twenty yards ahead of one of the others. So long as the patrol keeps well out in the roadway when passing alleys or side streets, and when turning corners, attackers are bound to come under fire.

I was only once in the streets of Dublin at night in the bad times. The R.I.C. had invited me to dine at the depot, and my wife consented to my going only on condition that District Inspector Cruise came home with me and spent the night. When he and I started for home, on arriving at the gate of the Park we found the North Circular Road in darkness. We knew what that meant. When people were to be waylaid at night an official of the Corporation cut off the lighting of the district. There was no doubt that there were some armed men in the hedge of a front garden at each side

of the road somewhere between the Park and my house. We thought we could take them on, using a little sense. We were expected to be foolish enough to walk on the footpath past the hedge and get shot. I suggested that we should "lace" the road, i.e. set out from opposite sides and tack across from kerb to kerb at an angle of forty-five degrees. First the watchers could not see what we were doing, secondly, we were always covering the hedges with our pistols in a position to fire first at anything that moved. Nothing happened. "False alarm," laughed Cruise, as we went off to bed, but next morning there lay in my letter box a dirty note:—

"You think you are bloody clever, with your new detective, but we'll get you yet."

I blushed at the compliment.

On the appointment of Sir Neville Maccreedy as Commander-in-Chief of the Forces in Ireland, I spent a long time seeking to impress upon him the necessity of teaching his men to take care of themselves. Troops were allowed to move about in solid columns of four like flocks of sheep. No effort at scouting was made. The English mind did not take kindly to my proposal to keep scouts moving in advance inside the fences when troops were using the road. I could see that trespass on private property to the soldier's mind represented an enormity to which the War Office would not assent. Above all, I urged that young officers should not be allowed to move in the open without pistols in their hands, and should be forbidden to leave their arms out of their reach for one moment while they were in the country. Preparedness was an absolute protection against a band of cowardly brutes who would risk nothing.

The Commander-in-Chief appeared to be impressed, and asked me to see General Tudor, who was in command, first of Constabulary, then of the body that corresponded to the Bulgarian Commitadjis or the Greek

Andartes—a nondescript troop of armed irresponsibles whom British Statesmanship was letting loose on poor Ireland. Tudor, I think, did not want to meet me, and I never saw him. My representations did succeed in introducing open order in the movement of troops, but there was no scout training and no instructions were given impressing on officers the obligation to have their pistols ready always. When one Sunday morning armed vermin (having previously paraded at the altar rail) raided their lodgings and murdered fourteen officers, not one of the victims had any means of defence near him. I suppose the military authorities had maintained their traditional attitude that the advice of an Irishman should not be accepted in any matter relating to Ireland. The Constabulary were also left without training. Drill may be an excellent method of rendering bodies of men efficient in warfare, but the routine of barrack life, and the minute regulations of the method in which every duty is to be performed deadens intelligence and kills initiative. No dispensation from the old order of affairs was ever issued. The time at which every act was to be done, the pace at which men were to move, the way in which they were to carry themselves, the set mechanism of the patrol, remained imposed on a body, that needed to be liberated from routine and permitted to develop personal enterprise in protecting the people. One delightful order was issued. The men were to be armed with revolvers, but they were not to be permitted to draw them unless they were first fired upon, that is to say they were not to defend themselves until they were dead. It would have been difficult to train the old men to habits of thought and observation, but the young country-bred constable had not yet completely lost the faculty of alertness that is part of the nature of a sportsman. Some of my countrymen were remarkably observant.

“I knew there would be bad work in the parish

to-day," said the sacristan of a Dublin church to a priest, "when I saw so many candles lighted at Our Lady's altar." He had diagnosed the superstition of the new Faith.

More than half the lives of the decent Irishmen who were lost were lost through negligence. In the case of constables in country stations, it was amazing how little attention they paid to the obvious happenings around them. Police and military were always surprised, never ready for what should have been the expected.

When I went to my country house at Ross I took some trouble to discourage attacks upon it. One of the curates arrived on foot on one occasion to spend the evening, and explained that his "boy"—one of the greatest scoundrels in the county—refused to drive up my avenue after dark, as he alleged that my demesne was a very dangerous place. I don't know how this fellow found out, but by the arrangements in my grounds I did my best to justify his opinion. On making my rounds late one evening I was unusually careful in the trapping of the approaches to the house; I felt sure my defences were to be tested. To the North in the still of the early night could be heard the distant barking of the dogs, and the more reliable alarm of disturbed geese. Then birds commenced to arrive in my woods, obviously frightened from outlying trees and shrubs. It was clear that bodies of men were moving in the dark and many were crossing the country rather than travel by road. I had a competent garrison, a couple of Munster Fusiliers, my escort and two constables, and we had an adequate supply of bombs and bullets. We spent the night at our posts. No one came near us, but three country barracks were surprised and burned within a few miles. The warnings of attack should have been as plain to the men at these places as they were to me.

The ordinary rules and procedure of the administration of justice were becoming inapplicable to the state of affairs into which the country had drifted. It is not difficult for a secret society to paralyse a system founded on open trial by jury and open examination of witnesses. Organised scoundrelism has a comparatively easy task in preventing jurors and witnesses from doing their duty. When open testimony and open verdict are suppressed, it lies upon the Government to see that those who have wrecked the foundations of freedom shall suffer from the consequences. I discussed the matter at length with Denis Henry, the Attorney General, who was member for South Derry, and tried to get the Government to face the situation.

Denis Henry was the best man that the Irish Bar produced in my time. He had a clear deep mind comparable to that of the Lord Chief Baron Palles. His features were handsome, his carriage was dignified, and he was meant, with his splendid genius and delightful humour, to be the leader of the profession. Party politics blighted his career. He naturally wished for the honours which he achieved—his seat in Parliament, his offices as Attorney-General, Privy Councillor, Lord Chief Justice of Northern Ireland. He should have been much more. Equipped for true greatness, he did not dare to attempt it, for fear of falling out with the political supporters upon whom he foolishly believed his fortunes depended. He never appreciated that he was a bigger man than any minister could create. He was a Catholic relying for advancement upon Orange favours, and the consciousness of this spoiled him. When I was offered the Serjeancy, I insisted on Denis Henry being first asked to accept it. He refused it for some political reason. Politics robbed him of his courage. When he was Attorney-General he would do nothing unpopular unless I would accept the responsibility. So long as my advice was acted upon, I agreed that he was free to let

me answer for it, with the result that during the trial of the Silvermines murder case counsel for the I.R.A. denounced me as the "hidden hand of tyranny in Ireland." Next day two ruffians forced their way into my house, to the terror of my wife and children.

There was in custody a very large number of known murderers. The proofs against them were quite convincing, but in nearly every instance it was impossible to put witnesses in the box in open court, and impossible to expect that a jury outside of the North of Ireland would convict on any testimony. The people were too terrorised to end the terror by handing criminals over to justice, and consequently the Law was unable to protect the lives of witnesses or jurors.

The emergency needed instant and drastic action. The moment that criminals commenced to be put in their proper place by the hangman there would be an end to the tyranny of crime. It was not a case for half measures. I proposed the abolition of trials by public process. The information—the ample and conclusive information—at the command of the Crown, should be submitted in each case to judges. The name of the accused might not appear in the first instance. In no event would the name of the witnesses appear, but their testimony would have been given on oath, and its purport laid before the tribunal together with an affidavit of a peace officer as to what was known of the character of the witness. If the tribunal was satisfied that there was a case to be answered notice would be served to show cause why the accused should not stand convicted of the crime of which particulars would be given. If no good cause was shown conviction and sentence were to be recorded. Membership of the I.R.A. was to be sufficient evidence of participation in I.R.A. crimes in the place where the accused usually resided. It was not pleasant, but it was bound to be effective. In a short time a couple of hundred criminals would have been sentenced to

death. There would have been no necessity to execute them. Upon the murder of a policeman, six condemned might be hanged, at the next shooting ten, at the next twenty. Murders could not be organised any longer. Those condemned on evidence of membership of the I.R.A. might be released under sentence so long as their district remained free from bloodshed. If they failed to prevent outrage by their comrades they would suffer for it. Within three months the horrible reign of blood-sodden cowardice would be broken.

Henry was appalled at my scheme of ending the state of slavery in the country, far more than he was appalled at the means by which it was perpetrated. He promised consideration, but it was clear that the politicians did not want to do anything decisive. The Cabinet cared little about the ruin of Ireland. They would be quite pleased to ruin Ireland if doing it would purchase English votes.

As a vote catching scheme the Government determined to give to the murder movement a military appearance. It would lend a few good party cries to an election. Constituencies can be roused by the jargon of war.

In the first place an army was sent to Ireland, but I do not know what the army was to do. Troops can deal with troops and with armed bodies openly conducting warfare. Troops cannot deal with bands of civilian criminals slinking about without display of weapons and without uniform. It is difficult to understand the mentality that imagined that soldiers could restore peace or maintain order. No government has yet sent a brigade of artillery to Epsom to deal with the pick-pockets on Derby Day. The experience of the military in Ireland in a similar experiment can now be urged against any such proposal. No praise can be too high for the conduct of the British soldier in Ireland. He was set up as a target, exposed to mean and ignoble death.

He had no soldiers' job to do. He lived in surroundings more trying than the trenches. His assassin foes were assisted by fiendish females who carried weapons concealed beneath their skirts, to and from the scene of ambushes. I never heard of an attack upon a woman. I never heard of any serious complaint against any members of the regular army, except upon the two occasions on which they destroyed houses in their resentment at the murder of their comrades. Their conduct in Ireland was a credit to them.

In addition to the parade of military force, the Government superseded the Civil Power and set up trial by Courts Martial in criminal cases. There was no change in the rules of procedure or evidence, so the Courts Martial were powerless to deal with the great mass of the very worst cases, in which it was essential to keep secret the names of the witness. The Courts Martial stunt was a triumph for the gang, who desired to delude the country into believing that the administration of justice was "British." I cannot believe that this policy was an honest effort to improve affairs in Ireland.

On top of this came the Black and Tans. I must in all candour admit that they frightened me. I was an armed civilian. I was of course well known to all Irish civil authorities, but these Bashi Bazouks neither knew nor cared who I might be.

When a lorry load of them turned into the street in which I was walking, I shivered with fear. I could shoot at the I.R.A. brats and they would run away, but I could not shoot a Black and Tan, who would joy in shooting me. These fellows were of splendid courage, and when they got a chance they beat ruffianism to a frazzle, but they beat everyone, indiscriminately. They shared the War Office conviction that anyone who was not anti-Irish deserved to be shot. They knew nothing of the country or its people and they shot and burned and robbed with utter recklessness. Once the

law ceased to operate, it would have been perfectly justifiable for the Royal Irish Constabulary to shoot on sight the known plotters of police murders. The R.I.C. would not do it, though in many cases they knew that the survival of a scoundrel meant death to themselves. There could result nothing but evil from setting on a band of strangers to harry the country.

The Government of the country, so far as semblance of Government existed, was now becoming truly British. English soldiers and English irregulars superseded the Irish Civil Power. Local Government was suppressed by the Sinn Fein party. Not only were the functions of Local Authorities undischarged, but the patriotic tyrants proceeded to destroy all the machinery of social existence. Rates were collected and embezzled, workhouses were burned, including their hospitals and chapels, barracks were burned, the homes of the educated classes of Irishmen were burned, roads were allowed to wear out, culverts and bridges were blown up, railways were destroyed. Every means by which the Irish people might be pauperised and reduced to misery was put in operation, to punish them for their reluctance to subject themselves to ignorant bullies.

The counter terror of Black and Tannery was almost welcome. The percentage of innocent who suffered by it was large, but the perpetrators of crime no longer enjoyed immunity. Without immunity their ardour commenced to cool, and the murder confederacy was in process of breaking up under strain of rival anarchy when things took a new turn.

A certain number of outrages had been committed in England. There had not resulted any panic, but some feeling of distrust was natural under the circumstances. In February came a threat to murder the Cabinet Ministers. They seem to have been thoroughly scared and overcome with a sense of helplessness. I had repeatedly urged upon my countrymen that there

are worse things than being murdered. The Cabinet evidently did not share my views. The British public were assured that the Government had murder by the throat and were determined to put it down in Ireland, while secretly the Government was imploring murder to state its terms of peace.

It was not until May that I learned from Sir Henry Wilson exactly what had happened, but long before that, it was perfectly clear to me that the Government was preparing to sell Southern Ireland into perpetual slavery. The valiant appearance of taking murder by the throat was still kept up to deceive the English people, while in fact go-betweens were employed to arrange the important matter of saving the Government's face and Ministers' skins. In March, 1921, I no longer had any doubt as to the nature of this intrigue. It was clear to me that by arrangement with the assassin party a sham election was to be held in Southern Ireland at which the I.R.A. were to be allowed to nominate the members without opposition. Mr. Lloyd George was then to become deeply impressed with the representative character of these scoundrels and was to open negotiation for the sale of part of the country to them.

On March 28, 1921, I sent to the *Times* a letter denouncing this scheme. I asked were the moves of the Government "for the purpose of handing Ireland over to be scourged and plundered by assassins to punish her for her hatred of the Coalition." I urged as an alternative: "There can be passed *at once* a statute providing that when the murder society is crushed and all arms surrendered there shall be summoned a constituent assembly to determine the future constitution of the country. If the authority of the assembly is limited only by the principles of Imperial Unity, and strategic subordination, and if its decree is postponed in operation in the six counties until the Northern Parliament has confirmed it every condition of the Prime Minister's

pledges has been complied with. If they were not falsehoods let these pledges be redeemed." Meantime the laws of evidence and procedure should be altered and a Provisional Government of Irishmen nominated.

On March 31, the assistant editor returned my communication. It could be published only on a condition with which at the moment I was unable to comply, though it was a reasonable condition in view of the incredible forecast that I was making. A few days after my letter, I learned that Lord French was as uncomfortable as myself with regard to the unseen movement for settling Irish affairs. The old soldier was pleased to think that something should be done to provide for my future before he ceased to be Viceroy. His term was evidently coming to an end and I discovered that he was pressing my appointment to a salaried office. I at once wrote to him setting out the views I had advocated for twenty-five years with regard to professional appointments.

The awards of positions in the administration of justice as a payment for political service had been denounced by me in public and in private. It destroyed confidence in the fair play of the law. My appointment would be regarded by a large number of my poor people as the fulfilment of some bargain that had regulated my public conduct during the stirring years in which I had been associated with the executive. No matter how unjust such public opinion might be, it had to be respected if the law was to be made respectable, and notwithstanding the future that faced me, I would not in my own favour betray a principle in whose vindication I had spent my professional life. I added my personal appreciation of intended kindness, and of the public service he had rendered to our country.

"My dear Serjeant," he wrote on April 9, "Your most kind letter gave me the greatest pleasure and I

thank you with all my heart for your truly kind and encouraging words. They are welcome indeed from one who has himself shown much conspicuous courage throughout this trying time. I am proud to think that I have been so closely associated with you during my period of Viceroyalty. . . . Your recruiting effort and your strenuous and public denouncement of crime, your grand courage and your Faith will all exalt you as a great and highly talented lawyer in the future history of Ireland. I thank you with all my heart for your constant friendship and valued advice.

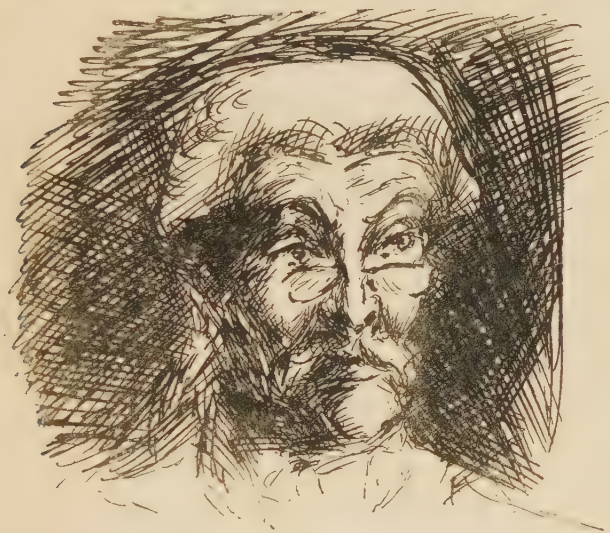
“Most sincerely,

“FRENCH.”

Within a few weeks he had been replaced by Lord Edmond Talbot, created Viscount Fitzalan, a truly representative Catholic gentleman, sent to accomplish impossible things. My services were gladly at his disposal so far as I could be of service. By some strange cynicism, Sir John Ross remained Lord Chancellor. He had not been long in office. His predecessor, Sir James Campbell, a short time before had expressed an inclination to come to terms with Sinn Fein ; and as he came on the bench one morning to deliver a judgment he received a Lloyd Georgian telegram, said by a humorist to run “ Resignation accepted Peerage by next post.” It was the first he heard of resignation, but the British public were still being fooled with the story of taking murder by the throat and *openly* discussing terms of surrender was not yet permitted. Sir John Ross was reputed to be made of the sterner stuff.

In May the first step contemplated by the secret bargain was carried out. The I.R.A. nominated their gunmen and sycophants for the Southern constituences, and no one was so tired of life as to stand against them. There was no election anywhere. All were returned unopposed. Then came an ambiguous speech by the new

Lord Lieutenant and a more ambiguous speech by His Majesty at the opening of the Orange Parliament. The way was clear for Mr. Lloyd George to show how impressed he was by the representative character of the I.R.A., as vindicated by the sham election. On June 24, according to plan the nominal head of the gunmen was saluted by the Welsh politician as "the chosen leader of the great majority of Southern Ireland," an



SIR JAMES CAMPBELL.

insult to Ireland that shall not be forgotten, and this man was invited to a conference with the British Government. Murder was to be taken not by the throat but by the hand.

If once the country was handed over to the gunmen there was an end for ever to all dreams of nationhood and liberty. The I.R.A. never could be displaced. They would plant their armed confederates in every office, they would maintain their murder organisation, they would keep in working order the whole machinery of terrorism as a menace to the stricken people upon whom

all the loathsome horrors of I.R.A. "warfare" would be let loose if they dared to vote the bullies out. So long as they remained in power not only must the Southern fragment of the island be bled to sustain them, but the North would be ringed round with a pauperised territory worthless for trade. While such creatures were in the seat of government, the two portions of the mutilated land would be hopelessly and irretrievably alienated. Bad as the Orangeman may be no one could condemn him to submit to gunman government. Ireland could never exist again.

A small committee of Irishmen had met some weeks earlier in London. Their organiser was the son of one whose memory should be revered as that of a real patriot, though a Unionist. An effort was made to secure for the Irish people the right to determine their own fate. Lord Derby, disguised in green spectacles (to assist his political vision), had been sent over to Ireland by the Government to get into communication with what Mr. Winston Churchill aptly described as "this bloody baboonery." On his return he received a company of persons interested in Irish affairs, who had some appreciation of the state of slavery which the Government seemed to contemplate instituting in that truly most distressful country. It was too late to accomplish anything. The Prime Minister according to the bargain in the Spring could not save his skin by handing Ireland over to the Irish people. He had agreed to hand it over to the I.R.A. The following memorandum was communicated through Lord Derby.

Memo,

Instead of keeping something up his sleeve to "negotiate" with, the Prime Minister should state definitely and finally the terms upon which Ireland may govern herself. The first term should be that the Irish people clear their country of the murder

tyranny. The new constitution should come into force as soon as terror is broken. Under no condition should the control of the country be handed over to the murder society.

The limits of the new constitution should be fixed by the Imperial Parliament. They should be generous, to give to the Irishmen who would undertake the restoration of order something worth risking their lives for.

The limits should be :—

Imperial Unity,

Imperial strategic control,

Imperial reservation of foreign relations (subject to Irish representation on a Foreign Relations Committee of the Empire). Amount of public debt to be assumed by Ireland.

The details of the Constitution within these limits to be fixed by an assembly of responsible Irishmen.

The body of representatives should be elected by Provinces with a few nominated experts. It should not exceed fifty in total membership.

Qualification of candidates, etc., to be fixed by Imperial Parliament.

Elections to be held as soon as order is restored.

Northern Ireland to be free to accept or remain under present act. Nominated Council of Irishmen to carry on until order is restored. Drastic alterations of the laws of evidence and procedure to put down crime. Total abolition of reprisals.

It will be observed that this provided for the free election of a constituent assembly. Each Province as a whole would elect its representatives perhaps by proportional representation. Ulster as a Province was to elect delegates. When a constitution was drawn up "Northern Ireland" might accept or reject. There would be the strongest motive for the Assembly to

make every possible concession to preserve the unity of the country and of the nation. There would be the strongest motive for Northern Ireland to remain in Ireland if an honest spirit of understanding was manifested.

The panic-stricken Ministers would have none of it. They ordered Sir Nevill Maccreedy to solicit a "truce" and to cease all measures directed against Sinn Féin. After a week's orgie of assassination directed against unarmed and defenceless persons the latest conquerors of Ireland granted the truce, and their hunted and beaten band swaggered back to their districts. Hitherto, the twelfth of July had been the anniversary of one national misfortune; another was added when there set out De Valera, a Spanish school teacher; Griffith, a Welsh journalist; Stack, a Kerry solicitor's clerk; Barton, an Anglo-Irish squireen, and Childers, a renegade Englishman, posing as the "representatives" of Ireland, to interview the wretched Prime Minister of England. Truly a day of humiliation for the Irish race whose sons were to be found in the highest offices of honour and distinction throughout the world. Of these "representatives" the solicitor's clerk, the Anglo-Irishman and the English renegade represented the I.R.A., the Welshman represented their apologist, the Spaniard with the characteristic conceit of his race thought that he represented everybody and everything. He not only talked of himself as "the head of the state," but he believed in his own babble. He little suspected that his mission was the first step towards returning to his true level of obscurity. A gunman of a later delegation gave an interesting account of the Cabinet Committee that negotiated with him. "There was only wan rale gintleman, that fellow Chamberlain, *he* didn't offer to shake hands with me."

At the time of the truce I was discharging the duties of my office as one of the "Lords Justices of Assize,"

going the Connaught circuit. The first manifestation of surrender was the withdrawal of the guard from the Judges' lodgings in Sligo. This was not an unmixed blessing as the guard was for eight hours each, soldiers, R.I.C., and Black and Tans, and the previous evening two Black and Tans held up my escort and myself as we returned from a walk and debated in the most friendly manner the propriety of trying a Lewis gun on us armed civilians. Eventually they accepted my escort's assurances as to my rank and office, and the gentleman with the Lewis gun offered an ample apology, not altogether complimentary to my personal appearance.

The next manifestation of surrender was the absence of the guard of honour when my colleague and I arrived in Galway. I would not tolerate this, and as Crown Judge I addressed a communication to the Officer Commanding that secured the attendance of a guard of lancers throughout the Assizes. My address to the Grand Jury on the condition of their county and the prospect of the future is regarded as a feat of prophecy. It did find some echo in the hearts of the old Sinn Feiners, and some feeble effort has since been made to secure respect for the administration of justice.

The most interesting case I had to try was a charge against three Black and Tans. A poor farmer having sold a horse was held up by these heroes, and the price of the horse taken from him. The spokesman of the accused addressed to the jury the assurance that they wanted some money, that they interviewed the prosecutor about it in a dark place, "and of course 'e lent it." To my surprise the jury disagreed. I learned that although these fellows were dreadful robbers, they were extremely popular for having smashed the I.R.A. and thus liberated the district from worse than robbery.

In the summer I commenced to pack up, but once more there was a glimmer of hope. The Spanish head

of the Irish Republic rejected Lloyd George's offer to instal the I.R.A. in twenty-six counties as a Government with full Dominion powers. The poor school-master really considered that this represented a diminution of the state that he represented, and his indignation and his nonsense were perfectly genuine. With a fine taste for dramatic falsehood, the Republican Parliament pretended to agree with him, to the alarm of the whole community.

For the first time since the Solohead murders, the country displayed a readiness to meet the gang with open opposition. It was the last chance for freedom. I saw the Lord Lieutenant and impressed upon him that at last Irish people were roused, and the gunmen would be beaten in an election on the issue of whether a Dominion status should be accepted or not. The answer therefore to the refusal of the bullies, should be the dissolution of the sham Southern Parliament, and an election upon this question. There was of course some doubt as to whether the gang would permit free election or would start murdering candidates that opposed them. On the whole, I thought candidates would be safe. The I.R.A. was itself split on the Dominion offer. The old Sinn Feiners were all Dominion men, and the assassins who had been on the run pursued by the Black and Tans, could never be roused again to face the music. The rejectors of the Government offer were clearly a minority of their own herd, and an election would at least get rid of the most objectionable creatures who at the moment were noisiest. The Lord Lieutenant went to the Prime Minister at Inverness, where I again urged him by wire to give the people an opportunity of asserting themselves. It was, however, no use. The secret pact in the commencement of the year had evidently deprived the Prime Minister of any freedom of action.

I had done my best. It is some alleviation of the

loneliness of exile to be entitled to say that. No useful purpose could be served by further effort to stand between the hungry homicides and their prey.

To remain in order to organise efforts to elect a representative government of Irishmen, would have exposed the lives of my supporters to the vengeance of triumphant criminals. The country would only let loose upon itself a repetition of the shameful years, if it attempted to exercise its paper right to select its representatives. If a gunman government is displaced by votes it will replace itself by bombs and bullets.

Humiliating as submission must be, no other course was open to the conquered people of the twenty-six counties. I had come to an end of all the usefulness of a life spent in one long struggle against all forms of oppression. I had tried to fit myself to be of service to Old Ireland, and I had no right to desert her while she could be served. I thought of this anxiously as I gathered my children about me and set out to commence life again among strangers. It was no act of disloyalty.

Old Ireland was dead.

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